MINUTES OF THE JANUARY 2, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

James T. Frese, Councilman

Terry Howard, Councilman

Leonard R. Jester, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:32 p.m.

2. Invocation.

Councilman Jester offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Minutes of the December 4, 2000 Meeting.

Councilman Howard moved, seconded by Councilwoman Richardson to approve the minutes of the December 4, 2000 meeting, as presented. Unanimously approved.

5. Council Information Items.

- Councilman Wolffe asked the status of the Anderton Avenue property. Town Manager West responded some research has been completed. The research is ongoing.
- Mayor Tarr asked Town Attorney Poulson if the reappointments to the Board of Zoning Appeals have been made. Town Attorney Poulson stated the orders would be sent to Judge Tyler during the week.

6. Committee Reports.

- **Bicycling Advisory Committee** Town Manager West stated the Committee met to discuss the potential application for a recreational trail grant
- **Deer Task Force** Councilwoman Richardson reported the Committee met with the Game and Inland Fisheries on December 19th. The meeting was informative. Additional meetings will be held to discuss a plan for 2002. Supervisor Thornton is working on control of the deer on Route 175. To date seven deer have been killed in the hunt program.
- **Budget and Personnel Committee** Vice Mayor Conklin reported the Committee met on December 19th. The Committee reviewed a request to have the Authority's employee on the Town's retirement, life insurance, and medical insurance

plans. The Committee agreed to allow the participation of the one-fulltime employee of the Authority as had been extended in the past. The Committee also agreed to pay for Hepatitis vaccinations to protect employees from job related exposures. The Committee discussed the budgeted phone mail system. The phone mail system upon which the budget figure was based is obsolete. A new phone system would be necessary to install phone mail. The Committee agreed to table the purchase until a phone system is needed. The Committee reviewed the auditing service proposals and some changes in the Employee handbook. The auditing service proposals and handbook changes are on tonight's agenda.

- **Public Works Committee** Councilman Jester reported the Committee discussed a streetlight request, a commercial entrance, certain water accounts, drainage projects, a request from the Bicycling Advisory Committee, lighting at the Veterans Memorial Park, and vehicular traffic flow on commercial property.
- **Planning Commission** Councilman Jester reported the Planning Commission held a public hearing this date on height of structures and the rezoning of a property on Ridge Road from R-3 to C-1. The Planning Commission approved both matters and turning them over to the Town Council. Council scheduled a public hearing for February 5, 2001 at 7:30 p.m.
- **Cemetery Committee** Councilman Howard announced the Committee would be meeting on January 11th.
- Main Street Revitalization Committee Councilman Howard reported the Committee would be applying for TEA-21 grant money. In addition, many of the planning tasks assigned to various committee members have been completed.

7. Public Participation.

• Mrs. Ramona Birch requested Council consider designating the Memorial Park trail for use of roller skates, roller blades, skateboards and scooters. Mrs. Birch also requested the designation of safe streets such as Poplar, Clark and Ocean Blvd. for use of roller blades, skateboards, scooters and roller skates. In addition, designation of safe streets, which have an existing bike path for use of roller blades, scooters and roller skates. She requested Council consider allowing these activities on the proposed trail between the Town Complex and Chincoteague High School. At present, there are not safe places for children to participate in these activities.

Councilman Wolffe stated his agreement that a designated area for these activities is needed. However, he does not know exactly where the designated area should be.

Vice Mayor Conklin stated that the young citizens are equally important as the older citizens and the Memorial Park Trail could possibly have designated hours in which certain activities are only allowed.

Councilman Jester asked if the schools allow these activities. Mrs. Birch replied yes, they are allowed to use the parking lot after hours.

Mayor Tarr stated a request has been made for the past several years of the Fish & Wildlife to allow these activities on their trails. These activities are allowed on the

northern side of Assateague, but not here. The Fish & Wildlife have turned down the request each year.

Mayor Tarr also stated the Town has research skateboard parks in the past and found that most are now closed due to lack of use, safety reasons, or insurance reasons. Mayor Tarr stated he would find the information and forward it to Mrs. Birch for her review.

Council agreed to consider this matter and to ask the Fish and Wildlife to allow these activities on Assateague.

• Mrs. Ruth Patzig expressed concern about a Letter to the Editor in the Eastern Shore News which states the Eastern Shore is being considered for F-18 Hornets. Mrs. Patzig feels this would be deterrent for Chincoteague. Council needs to look into the matter and oppose F-18s coming to the area.

8. Christmas Decoration Winners.

Vice Mayor Conklin announced that Mr. Roland Hardin's home on north Main Street won the Christmas Decorations award. Mr. Hardin will receive a \$100 U.S. Savings Bond. Runners-up, receiving a \$50 savings bond each are: Jim Stanfield on Pine Drive, Mandy Betts on Church Street, Dale Holston on Olga Drive, Arlene Shreves on Ridge Road, Laurie and Eddie Thornton on Bennett Lane, Debbie and Jeff Stevens on Bennett Lane, and Bill and Joann McComb on Chester Park Drive.

Vice Mayor Conklin congratulated the winners and thanked everyone for making our community more festive during the Holidays.

9. Adoption of Beach Replenishment Resolution.

Councilman Wolffe moved, seconded by Councilman Jester to adopt the following resolution. Unanimously approved.

RESOLUTION

WHEREAS, flooding and wind damage during northeast storms and hurricanes continually destroy beach area on Assateague Island; and

WHEREAS, Assateague Island is essential to Chincoteague in its role as a protective barrier island, shielding lives and property on Chincoteague Island from danger; and

WHEREAS, tourism and the economic well-being of Chincoteague and Accomack County are dependant on the ability of Assateague Island to receive visitors as the only public beach on the Eastern Shore of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Chincoteague hereby requests support in ensuring that recreational areas, public access, and parking are maintained on Assateague; and

BE IT FURTHER RESOLVED, that the Town Council also requests assistance in acquiring funds as necessary for sand replenishment as may be required to maintain recreational areas, parking areas and roads; and

BE IT FINALLY RESOLVED, that this resolution be forwarded to Governor James Gilmore, Senator George F. Allen, Senator John Warner, and Congresswoman Joann S. Davis to request their support and assistance.

DATED this 2 nd of January 2001.		
	John H. Tarr, Mayor	
Attest:		
James M. West, Town Manager		

10. Application of Decal Fee Exemption for Fire Company.

Council had previously discussed and approved an exemption from decal fees for the Fire Company and its members. In deciding how to apply the exemption, the Ordinance Committee considered extending the application of the exemption to all members, active, inactive, associate and honorary. Staff has found that State Code will only permit the Town to allow the exemption for active members and inactive or 'life' members with at least ten years of prior service. In keeping with these requirements, staff drafted a proposed ordinance for Council's review.

Councilman Wolffe asked if the exclusion included auxiliary members. Town Manager West replied yes.

Vice Mayor Conklin asked approximately how many included members there are. Public Works Director Jeffries answered 80 to 100.

Councilman Jester stated the Town needs to provide incentives for people to join the Fire Company.

Councilman Howard moved, seconded by Councilman Frese to amend Chapter 11, Article III as presented. Unanimously approved.

Article III. License Fee on Motor Vehicles and Trailers, etc.

Sec. 11-28. Levied; amount of fee.

- (a) There is hereby levied an annual license fee of twenty-three dollars upon motor vehicles licensed within the town, except as may be provided in this article or the Code of Virginia. In addition, there is hereby levied an annual license fee of twenty dollars upon trailers and semi-trailers licensed within the town, except as may be provided in this article or the Code of Virginia. (11-7-77, 1-2-91, 11-21-91, 1-3-94, 9-5-00)
- (b) No license fee may be levied for any one motor vehicle owned by individuals or organizations as listed herein. This exemption is applicable to the fee only; all other provisions of this article shall be enforced.
- (1) Any veteran who holds a current state motor vehicle license, which was issued free of charge by the state.
- (2) The Chincoteague Volunteer Fire Company and Rescue Squad.
- (3) An active or life member of the Chincoteague Volunteer Fire Company and Rescue Squad. The Chincoteague Volunteer Fire Company and Rescue Squad shall provide to the town by March 1st of each year a written list of active and life members signed by the president and fire chief towards the application of the exemption.

Sec. 11-29. License period.

For the purpose of this article, the license year shall extend from the fifteenth day of March to the fourteenth day of March of the next succeeding calendar year, and the license fee levied hereunder shall be paid not later than the fifteenth day of April in each license year. One-half of the annual license fee prescribed herein shall be collected whenever any motor vehicle is acquired by a resident of the town during the period beginning the first day of October in any year and ending on the fifteenth day of January in the same license year, and one-third of such fee shall be collected whenever any motor vehicle is acquired by a resident of the town after the fifteenth day of January in any license year; provided, that the license fee to be paid by the owner of any motor vehicle when the same is issued after the fifteenth day of January in any license year shall be not less than one dollar.

Sec. 11-30. Application, transferability; proper display; place of sale.

- (a) No vehicle required to be licensed under the provisions of this article shall be issued a town license unless and until the applicant shall have produced a Commonwealth of Virginia title or registration card issued to the applicant for the vehicle to be licensed.
- (b) License decals required pursuant to the provisions of this article shall be transferable by the licensee from any motor vehicle sold, traded in or otherwise disposed of by any licensee to any other motor vehicle thereafter acquired by the licensee during such license year without the payment of any additional license fee.
- (c) Every motor vehicle license decal shall be securely affixed to such motor vehicle adjacent to the state inspection decal. Every trailer or semi-trailer license

decal shall be securely affixed to such trailer or semi-trailer adjacent to the license tag issued by the state for the same license year.

(d) Town licenses shall be sold at the town office or at such other place as may be designated by the council.

Sec. 11-31. Payment of personal property taxes prerequisite to obtaining license.

- (a) No vehicle required to be licensed under the provisions of this article shall be issued a town license unless and until the applicant shall have produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semi-trailer to be licensed or that any delinquent personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant.
- (b) In addition, no vehicle required to be licensed under the provisions of this article shall be issued a town license unless and until the applicant shall have produced satisfactory evidence that all tangible personal property taxes properly assessed or assessable by the town on any tangible personal property owned by the taxpayer have been paid.

Sec. 11-32. Penalties for failure to purchase.

Any person failing to purchase such town license or failing to display them as required by this article shall be fined not less than five dollars nor more than fifty dollars for each offense. (12-1-69, 4-21-77)

11. Amendments to Employee Handbook.

The Budget and Personnel Committee recommended changes to the Position and Classification Table in the Employee Handbook, changes in three job titles, and Position descriptions. The proposed changes are Shock Trauma Technician I to Emergency Medical Services Provider I, Shock Trauma Technician II to Emergency Medical Services Provider II, and Office Specialist to Finance Director. Proposed changes in the Position and Classification Table are Clerk/Office Assistant from 9-11 to 9-12, elimination of Office Specialist, addition of Finance Director at 16-21, Building and Zoning Administrator from 19-20 to 18-21, Maintenance Specialist from 9-10 to 9-13, elimination of Shock Trauma Technician I and II, addition of EMS Provider I at 15-16, addition of EMS Provider II at 17-19, Police Officer 1st Class from 14 to 14-16, Police Corporal from 15-16 to 16-17.

Councilman Frese moved, seconded by Vice Mayor Conklin to adopt the amendments to the Employee Handbook. Unanimously approved.

12. Auditing Services Contract Award.

The Town received two proposals for auditing services in response to a recent RFP:

	Leatherbury-Broache & Co., Inc.	Robinson, Farmer, Cox
	(Town/Center)	(Town/Center)
FY 2001	\$9,500/\$1,550	\$9,500/\$900
FY 2002	\$10,000/\$1,700	\$10,000/\$950
FY 2003	\$10,750/\$1,850	\$10,500/\$1,000

The Budget and Personnel Committee recommended that Leatherbury-Broache be approached to negotiate a three-year contract for auditing services. Although the costs of services for the Town were nearly identical in both proposals, a review of the proposals revealed that the local firm would provide frequent advice as part of their services.

Mayor Tarr asked that the Council only take action on a negotiation toward an award for the Town and the Authority should take action on their portion of the contract.

Councilman Howard moved, seconded by Vice Mayor Conklin that the proposal from Leatherbury-Broache & Co, Inc. be ranked number one and authorized the Town Manager to negotiate a contract for the Town's auditing services only. Unanimously approved.

13. Other Matters.

- Public Works Director Jeffries presented Council with a thank you signed by all the Town staff thanking them for their generous Christmas bonus gift.
- Town Manager West announced the VML/VaCO Legislative Day would be on February 1, 2001. Any Council Member wishing to attend should contact Town Manager West.
- Town Manager West asked if Council desired to have a USDA representative speak and provide information regarding duck and deer population at the January 18th meeting. Council asked that the representative be invited.
- Town Manager West stated that staff has discussed limiting the number of people in a house as presented from Council. Staff felt the matter should be handled through zoning and recommends it be sent to the Planning Commission. Council agreed to send the matter to the Planning Commission.
- Mayor Tarr stated that the Town received a flood insurance rating of 9, which provided a 5% discount of the insurance premiums. With a rating of 8, a 10% discount could be offered. The Town would need 250 more points to obtain the rating of 8. Mayor Tarr stated that a strong drainage ordinance could give the Town enough points to qualify for the 10% discount. Mayor Tarr asked to send the drainage plan to the Public Works Committee for a draft of a drainage ordinance. Council agreed. Mayor Tarr asked that the list of items the Town can do to obtain points be given to each Council Member for discussion at the next meeting.
- Town Attorney Poulson stated he had been contacted by VDOT concerning a mitigation area for the Deep Hole Road project. Town Attorney Poulson will be discussing the matter with the School Board and more information will be forthcoming.

Mayor Tarr announced the next Council meeting would be a recessed meeting on Thursday, January 18, 2001

14. Closed Meeting.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to possible acquisition of public property; unanimously approved.

Councilman Jester moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Vice Mayor Conklin moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting;

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard discussed or considered by the Town Council.

VOTE: Ayes -	Conklin, Frese, Howard, Jester, Richardson and Wolffe
Nays -	NONE
Absent -	NONE
	ATTEST:
	Town Manager

15. Application for TEA 21 Funds.

In their December 12th meeting, the Main Street Revitalization Committee, voted to pursue a TEA 21 grant to help pay for buried utilities on Main Street. In a grant application strategy meeting between Kat Edward, Jim McGowen (ANPDC planners), and Town Manager West that occurred on December 15th, the possibility of enlarging the scope of the grant application was discussed. In the meeting, it was agreed that perhaps a large-scale transportation enhancement project involving several elements of the Main Street redevelopment plan might possibly be funded in part by TEA 21 funds if a phased project were proposed. The proposed elements to be included are bike and pedestrian walkways, possible purchase of property, construction of parking lots, rehabilitation and

construction of the waterfront to include piers, bulkheads and overlooks, and burying utility lines. The grant application would request money to fund all these elements over several years. The focus for first year funding would change from buried utilities project to funds for the purchase of the 'trust' property.

Council directed Town Manager West to schedule the public hearings required for the grant applications.

16. Recess of Meeting.

Councilman Howard moved, seconded by Councilman Wolffe to recess the meeting at 10:05 p.m. Unanimously approved.



MINUTES OF THE JANUARY 18, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

James T. Frese, Councilman

Terry Howard, Councilman

Leonard R. Jester, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:37 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Public Hearing on the Application for Continuation Funding for the Chincoteague-Assateague Bikeway Project.

Mayor Tarr called the Public Hearing to order at 7:38 p.m.

The proposed project would provide bicycling and pedestrian facilities in the right of way of Maddox Blvd. at its terminus at the gateway to Assateague Island National Seashore Park and Chincoteague National Wildlife Refuge. The existing pavement is too narrow to provide bicycling and pedestrian access to the Park and becomes additionally unsafe when vehicles park over the existing bike lane. With the close proximity of tidal wetlands to the project area, a structure is proposed along the wetlands. The structure would protect the tidal wetlands and enable the widening of landmass in this area and allow the installation of a separate bike path. In addition to providing safer access to the Park, a scenic overlook will be provided to view the vast tidal marsh and its inhabitants. Interpretive plaques are planned along the facility. The project will cost approximately \$80,000.00. The Town received \$40,000.00 last year and is requesting the additional \$40,000.00 with this application to complete the project.

There was no public comment.

Mayor Tarr closed the Public Hearing at 7:40 p.m.

Councilman Jester moved, seconded by Vice Mayor Conklin to adopt the following Project Endorsement Resolution. Unanimously approved.

PROJECT ENDORSEMENT RESOLUTION

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order that the Virginia Department of Transportation program a transportation enhancement project in the Town of Chincoteague.

Now, Therefore, Be it Resolved, that the Town of Chincoteague, requests that the Commonwealth Transportation Board establish a project for the improvement of bicycle facilities through the construction of a widened section of Maddox Boulevard to be referred to as the "Chincoteague-Assateague Bikeway", that shall link State and Town bike facilities to those of the federal government.

Be It Further Resolved, that the Town of Chincoteague hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the Town of Chincoteague subsequently elects to cancel this project, the Town of Chincoteague hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 18th day of January, 2001.		
	John H. Tarr, Mayor	
Attest:		

Iomas M	West	Толго	Monogon
James M.	west,	Town	Manager

5. Public Hearing on the Application for Funding of a Recreational Trail.

The Town in cooperation with the Accomack County School Board is considering development of a 4,500-foot "loop" trail in the wooded area between the Chincoteague High and Elementary Schools. The trail would be situated in part on land owned by the School Board and land owned by the Town. The trail would provide excellent opportunities for the observation of nature by the general public and the two schools. The trail would also provide a recreational facility by serving hikers, walkers, joggers, and bicyclists. The trail would use elevated boardwalks to bridge environmentally sensitive areas. Pavement is planned in other areas of the trail to ensure ADA accessibility. The project will cost approximately \$74,880.00. The application is for \$59,000.00 with the matching \$15,880.00 from the Town.

There was no public comment.

Mayor Tarr closed the Public Hearing at 7:45 p.m.

Councilman Howard moved, seconded by Councilman Wolffe to adopt the following Resolution of Support. Unanimously approved.

RESOLUTION OF SUPPORT

Whereas, in conjunction with the Virginia Department of Conservation and Recreation Recreational Trails Fund Program, it is necessary that the Town of Chincoteague endorse and support a project through resolution as a prerequisite to a grant award and project agreement.

Now, Therefore, Be it Resolved, that the Town of Chincoteague, does hereby support the construction of a recreational trail on Chincoteague to be know as "Hallie Whealton Smith Nature Trail", and endorses the establishment of such a project by the Virginia Department of Conservation and Recreation; and

Be It Further Resolved, that the Town of Chincoteague respectfully requests that grant funding for the recreational trail be provided and administered by the Department of Conservation and Recreation through the Transportation Equity Act for the 21st Century, and

Be It Finally Resolved, that the Town of Chincoteague hereby agrees to pay a minimum of 20 percent of the total cost for planning, design, labor, material, equipment costs, construction costs, and the like, should a grant award be made by the Department of Conservation and Recreation

Adopted this 18th day of January, 2001.		
	John H. Tarr, Mayor	
Attest:		
James M. West, Town Manager		

6. Public Hearing on Application for Transportation Enhancement Funding for Projects in Conjunction with Downtown Revitalization.

Mayor Tarr opened the Public Hearing at 7:47 p.m.

The Main Street Corridor Enhancements Project proposes to provide several transportation enhancements in the Main Street area of Chincoteague from Bridge Street to Maddox Boulevard. The enhancements include planning and design and overall development of a transportation enhancement plan for the area; the acquisition of the "downtown trust" property; construction of boardwalks, walkways, interpretive center, and overlook pier; parking, ingress and egress improvements; and landscaping and screening. This project is estimated at \$949,000.00. The application is in the amount of \$494,000.00.

There was no public comment.

Mayor Tarr closed the Public Hearing at 7:50 p.m.

Councilman Frese moved, seconded by Vice Mayor Conklin to adopt the following Project Endorsement Resolution for the Main Street Corridor Enhancements. Unanimously approved.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order that the Virginia Department of Transportation program a transportation enhancement project in the Town of Chincoteague.

Now, Therefore, Be it Resolved, that the Town of Chincoteague, requests that the Commonwealth Transportation Board establish a project for the enhancement of transportation in the Main Street area to be referred to as "Town of Chincoteague Main Street Corridor Enhancement".

Be It Further Resolved, that the Town of Chincoteague hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the Town of Chincoteague subsequently elects to cancel this project, the Town of Chincoteague hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 18th day of January, 2001.	
	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

7. Presentation by Representative of U.S. Department of Agriculture Wildlife Services.

Mayor Tarr introduced Mr. Jason Wood and Mr. Dage Blixt who discussed the problems associated with non-migratory, urban/suburban duck populations and deer populations.

Mr. Blixt explained that the ducks living on the Island are hybrid of wild and domesticated ducks. Problems associated with these ducks are they breed with wild ducks and eventually can wipeout the species and they carry diseases, which can be passed to other wildlife and some can affect humans. Control efforts include feeding bans, capture and euthanizing the duck or to capture the ducks and relocate them to an **enclosed** pen. There are chemicals available, which are sprayed on the grass to repel ducks and geese from a particular property, but it can be expensive to maintain. There is the potential for liability issues if the problem is brought to Town's attention and the Town chooses to do nothing about the problem.

Council explained the present deer control program. Mr. Blixt stated that the problems with deer are known; accidents, property damage, and the spread of disease. Mr. Blixt gave suggestions for increasing the effectiveness of the control program through bucks being allowed as part of the hunt, use of sharpshooters, and use of archery hunters. The use of the U.S.D.A. sharpshooters is on a reimbursable basis. They would evaluate the situation and charge based on actual cost and materials.

The Deer Task Force requested the U.S.D.A to provide a cost estimate on a preliminary study for Chincoteague.

8. Saltwater Fishing License.

Councilman Frese stated that Delegate Bloxom has introduced HB 2703 to expand the Saltwater Fishing License to the seaside. Councilman Frese stated several reasons the Town should oppose this legislation. 1. Inconvenience in acquiring the license. 2. Neighboring states do not impose such a license (competition for tourist). 3.Too many charges placed on tourist now (boat ramp fees, transient occupancy tax and meals tax). 4. Too many restrictions. Councilman Frese encouraged citizens to contact Delegate Bloxom and others to oppose this bill. Councilman Frese asked that the Town send a letter to Delegate Bloxom asking him to withdraw the bill. He also asked that Senator Norment be asked for support to ensure the legislation does not get adopted.

Council discussed the matter.

Councilman Frese moved, seconded by Councilman Jester to adopt the following Resolution and forward it to Delegate Bloxom and Senator Norment with a cover letter. Unanimously approved.

RESOLUTION

WHEREAS, there is an organized movement to request the Virginia General Assembly to consider expansion of the Virginia recreational saltwater fishing license law to include the seaside of the Eastern Shore and the ocean waters of Virginia, and

WHEREAS, the expansion of such licensing requirement, if approved, would include all of the Virginia waters surrounding Chincoteague Island, and

WHEREAS, the economic livelihood of Chincoteague Island is dependent upon tourism dollars, with the majority of the tourism dollars being derived from transient visitors who have elected to stay in campgrounds, motels and tourist rental properties which abound within our community, and

WHEREAS, a great majority of these transient visitors choose Chincoteague Island as a destination due to its close proximity to Virginia waters which are abundant in our natural resource of fish, and

WHEREAS, expansion of the fishing license would inflict an adverse economic impact on the tourism industry of Chincoteague Island, unlike other parts of the Commonwealth, with the possibility of enticing our tourist trade to go to neighboring states where such a license is not required.

NOW THEREFORE BE IT RESOLVED, that the Chincoteague Town Council strongly opposes any enactment of the expansion of the Virginia recreational saltwater fishing license law to include the seaside of the Eastern Shore and the ocean waters of Virginia, which would include Chincoteague Island.

	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

Adopted this 18th day of January 2001.

9. Support of Wallops Business Park and Learning Center.

As part of the State's space initiative, the Department or Housing and Community Development (DHCD) has been working toward establishing a manufacturing, technology, and learning center adjacent to the NASA facility at Wallops. The center would house research and development facilities, relevant manufacturing businesses, and some educational facilities in support of NASA and the State space flight program. This technology park would benefit the area by providing jobs to Chincoteague and northern Accomack County. Indirectly, our motels and restaurants would benefit by housing and feeding an increased amount of off-season visitors to the Island with business to conduct at the Center.

In acknowledgement of the benefits to the Town, the Mayor and Town Manager attended a meeting between the Town, the DHCD, the ANPDC, and the County. The purpose of the meeting was to ask for the Town's support of the project. The level of support of the project amounts to eventually joining in a regional partnership. Immediately, the Town has been asked to contribute monies in the amount of \$5,000 to help the ANPDC complete a preliminary engineering report as a prerequisite to applying for \$1.37 million in Industrial Site Development Funding. In the long term, the Town has been asked to contribute money in matching funds toward the ISDF grant and other grants, which will be used to develop the park.

In the initial meeting, the Mayor and Town Manager informed the County and the ANPDC that participation of the Town would be unlikely without some type of revenue sharing agreement between the Town and the County. Further, the matter was discussed at the Budget and Personnel committee meeting on the 11th. The Committee concluded that the initial contribution as well as the possibility of entering into a regional partnership with the County should be discussed by Council.

Council discussed the project and the Town's involvement.

Councilman Wolffe moved, seconded by Councilwoman Richardson to negotiate a regional partnership with Accomack County for the Wallops Business Park and Learning Center. Unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to contribute \$5,000.00 to help the ANPDC complete the preliminary engineering report for this project. Unanimously approved.

10. Other Matters.

- Councilman Howard asked that Mr. Jim Carpenter be added to the Cemetery Committee.
- Mayor Tarr commended Kat Edwards, ANPDC, Main Street Revitalization Committee and Town Manager West for their work on the grant applications.

Mayor Tarr announced the next meeting of Council would be February 5, 2001 at 7:30 p.m.

11. Closed Meeting.

Councilman Frese moved, seconded by Councilman Howard to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss possible acquisition of real property; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting;

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard discussed or considered by the Town Council.

VOTE: Ayes - Howard, Frese, Conklin, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

A11ES1:	
	Town Manager

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12. Adjournment.

Councilman Howard moved, seconded by Councilman Frese to adjourn the meeting at 10:48 p.m. Unanimously approved.

Mayor	Town Manager

MINUTES OF THE FEBRUARY 5, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present
John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
James T. Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
Glenn B. Wolffe, Councilman

Council Members Absent
Leonard R. Jester, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:34 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes.

Councilman Wolffe requested a correction to a question he asked in the January 2, 2001 meeting. He asked if the exclusion fee would include the auxiliary members, and the response from Town Manager West should have been "No". Councilman Frese moved, seconded by Councilwoman Richardson to approve the minutes of the January 2, 2001 and January 18, 2001 meetings, with the correction. Unanimously approved.

5. Council Information Items.

• Councilman Wolffe inquired if Mr. West talked with Mrs. Birch about the Roller-blades, Skateboards, and Scooters on the streets. Mr. West responded that he has not

delivered the additional information from the police as promised. Mayor Tarr stated a new business owner contacted him about the purchase of Mr. Paul Merritt's property to open a skateboard and roller-blade park and bicycle track. They anticipate having it opened by this summer.

- Vice Mayor Conklin complimented Town Manager West and staff on promptly completing most of the items on the action list.
- Councilman Howard asked Mayor Tarr if he and Town Manager West met with the Fish and Wildlife and the Park Service about the beach replenishment. Mayor Tarr responded that Mr. Tim Baroody, aide to Congresswoman Davis met with them on February 2nd, 2001. The meeting was used to gather facts from all parties. Mr. Baroody was informed of the importance of Assateague Beach to the Town's economy.
- Town Attorney Poulson added that Mr. Birch and Mr. Thornton were reappointed by the court to the B.Z.A.
- Mayor Tarr stated, he spoke with Mr. James Carpenter about serving on a committee. Mr. Carpenter would rather serve on a committee as needed instead of full time. Councilman Howard added that Mr. Gary Turnquist expressed an interest in serving on a committee, and has some expertise in restoration.

6. Committee Reports.

- Town Manager West updated the council on the CATAC meeting. There was discussion that was focused on an emergency response plan. He announced the next meeting for CATAC would be February 28, 2001.
- Councilman Frese reported that the Ordinance Committee discussed zoning matters pertaining to houses on non-conforming lots. He stated that the inconsistencies need to be corrected and recommends sending this matter to the Planning Commission. The Council agreed to turn this matter over the Planning Commission.
- Vice Mayor Conklin had nothing to report on the Budget and Personnel Committee.
- Councilman Wolffe announce the Mosquito Control meeting will be Monday, February 12, 2001 at 5:30 p.m.
- Councilman Howard reported on the Public Works Committee. He announced the next scheduled meeting is February 22, 2001. They will be discussing the drainage ordinance. They will also discuss the roller-blades and skateboards.
- Councilman Howard reported the next meeting of the Cemetery Committee will be February 27, 2001.
- Councilman Howard also reported on the Main Street Revitalization Committee meeting. He stated that Mr. Sterling explained the grant process and that the Committee has to show the impact that the downtown area has on the community. He announced there is a charette planned on February 21st and 22nd, 2001 at the Community Center.

7. Public Hearing.

• Mayor Tarr opened the Public Hearing at 7:55 p.m. He explained that the Planning Commission held a public hearing on January 2, 2001 to receive comments on changes to the Zoning Ordinance. After the hearing, the Commission voted to request

that the Town consider changing ordinances relevant to building height and to modify a commercial zone on Ridge Road to include additional parcels.

- Mr. Lewis read the proposed changes. The first proposal was height restrictions, and the second was the zoning change from R-3 to C-1 on Ridge Road.
- Mrs. Jane Wolffe expressed her opposition of the height restrictions. She feels that the restriction should be 2 ½-stories in the downtown district, which she felt is more characteristic to the island.
- Mr. Lewis explained the 4-proffers for the second change: 1. Enclosing the pumps. 2. No tractor-trailers allowed before 8:00 a.m. or after 6:00 p.m. 3. All referrefrigeration units will be electrical. 4. In the event that the property is sold, it will continue as an aquaculture operation. If buyer discontinues an aquaculture industry the land will revert back to the use of R-3.
- Mayor Tarr asked for further comment, hearing none he closed the public hearing at 8:12 p.m.

8. Consider Changes to Zoning Ordinance.

Mayor Tarr requested comments or questions on the first proposal, which references the height restrictions. There was much discussion about density and maintaining the characteristics of the downtown area.

Councilman Frese made a motion seconded by Councilwoman Richardson to change the Zoning Ordinance:

Sec. 225 Building Height

To read:

The vertical distance measured from base flood elevation at the site of the structure to the highest point of any roof.

And

Sec. 3.3.4.A Residential District R-1 Sec. 3.6.4.A Residential District R-2 Sec. 3.9.4.A Residential District R-3 Sec. 3.12.4.A Agricultural District A Sec. 4.3.4.A Commercial District C-1 Sec. 4.6.4.A Commercial District C-2

To read:

Buildings may be erected up to thirty-six feet in height above base flood elevation. No structure shall exceed three (3) stories in height. Exception; enclosures below the base flood elevation used for incidental storage, parking garages and means of egress shall be exempt from being considered a story if such total space is less than six hundred square feet in area, however the height restriction still applies.

Ayes: Vice Mayor Conklin, Councilman Howard, Councilman Frese, Councilwoman

Richardson.

Nays: Councilman Wolffe. Absent: Councilman Jester

Mayor Tarr asked the Council for comments or questions concerning the second proposal, which is to change a section of Ridge Road from R-3 to C-1 zoning with the proffers. He asked Mr. Clark if he would change the 4th proffer from "light-seafood industry" to "aquaculture industry".

The Council commented how well everyone worked together to come to an agreement prior to bringing it before the council. Councilman Wolffe made a motion seconded by Councilman Howard to change the Zoning Ordinance:

Sec. 11.5.2.12. Ridge Road (East Side)

To add:

From a point extending from the Assateague Channel westward for 825 feet at a width of 103 feet. From a point of 825 feet west of the Assateague Channel extending west 98 feet at a beginning width of 53 feet and ending at a width of 96 feet. From a point of 1,227 feet west of the Assateague Channel extending west 15 feet at a width of 54 feet. From a point of 1,242 feet west of the Assateague Channel extending west 109 feet at a width of 10 feet to Ridge Road. The property is adjacent to Toms Cove Campground on the north side.

In addition to the proffers:

- 1. Enclosing pumps and placing sound deflection barriers.
- 2. No tractor-trailers allowed before 8:00 a.m. or after 6:00 p.m.
- 3. All refer units to be electrical.
- 4. In the event of property being sold, it shall be allowed to continue to be an aquaculture operation, operating within the limits of a C-1 area. If the buyer discontinues the aquaculture industry the land use shall revert back to uses of R-3 and abide by the zoning regulations thereof. The council, if so choosing to re-zone the area, the proffers will cease to exist.

Ayes: Vice Mayor Conklin, Councilman Howard, Councilman Frese, Councilwoman Richardson, Councilman Wolffe.

Absent: Councilman Jester

9. Public Participation.

Mayor Tarr asked for comments from the public at this time.

• Mr. Tom Derrickson expressed his concern of the 2½ stories change. He suggested changing the downtown area to a historical downtown area. He also asked

when this change takes effect. Mayor Tarr answered the change takes effect immediately and added the Revitalization Committee has not been able to look into changing the downtown area to a historical downtown district as yet.

• Mrs. Loretta Richardson expressed her concern of a letter she received addressed to her mother. The letter was requesting proof of insurance on her house, which is a Housing Preservation Project. Her mother passed away three years ago and the house was left to Mrs. Richardson.

Town Manager West responded that due to recent unfortunate circumstances, the town mailed letters to recipients of the housing assistance. The letters requested proof of homeowners insurance as is required in the grant agreement. There was discussion of following-through with the agreements for the housing rehabilitation projects. Town Manager West stated he would review the documents and investigate the matter with Mrs. Kat Edwards from the Accomack-Northampton Planning District Commission.

10. Award of Contract for the Installation of Box Culverts.

Mayor Tarr explained that the Public Works Committee along with the Town Manager West requested bids for a contract for box culverts. One culvert will be on the Whealton property and the second will be on the Matthews property both on Fowling Gut. This is phase-3 of the drainage project of the center of the island. The bids are as follows:

Ran/Kel Corp. \$ 114,646.00 Somerset Paving & Marine-I.A. Construction - \$ 168,010.80 C. Lee Davis, Inc. - \$ 86,810.00

Mayor Tarr announced the low bidder as C. Lee Davis, Inc. with a bid of \$86,810.00. Councilman Wolffe asked about the difference of the in-house estimate of \$154,000.00 and the low bid of C. Lee Davis, Inc. of \$86.810.00. He wanted to know if the low bid would cause an unsatisfactory job. Town Manager West explained how the estimate from in-house is calculated, and that C. Lee Davis, Inc. is experienced with this type of work and will bid lower as opposed to the less experienced who will bid higher.

Councilman Wolffe made a motion seconded by Councilwoman Richardson to award the contract to the low bidder, being C. Lee Davis, Inc. with \$86,810.00. Unanimously approved.

11. Consider Award of Contract for the Rehabilitation of the Town Dock.

Mayor Tarr explained the Public Works Committee along with Town Manager West requested bids for rehabilitation of the town dock. The bids are as follows:

Fisher Marine - \$ 78,720.00 Somerset Paving & Marine - \$119,879.00 BIC, Inc. - \$ 89,999.00

Mayor Tarr added that the town budget for this project is \$115,000.00.

Councilman Wolffe made a motion, seconded by Councilman Howard to award Fisher Marine the contract of \$ 78,720.00 for the rehabilitation of the town dock. Unanimously approved.

12. Other Matters.

• Mr. Kenny Lewis updated the Council on the house on Anderton Avenue that has been established as an unsafe structure. Upon investigation, there is no will on this property. Mr. Lewis spoke with the owner's grandson and granddaughter who are the executors of the estate. However, nothing is in writing. Mr. Lewis asked what should be done at this point. Councilman Wolffe asked what the proposed action is. Mr. Lewis responded that a proposal for the demolition of the house is requested. Councilman Wolffe agreed.

Town Attorney Poulson stated that a list of heirs has not been filed with the court, however there are heirs to the property. After discussion of the heirs, Town Attorney Poulson requested to find out who the heirs are, and contact them. Councilwoman Conklin suggested to contact the lady who pays the taxes on the property. Town Manager West informed the council that the taxpayer on this property is Althea Copes and she is a stepdaughter who will possibly know the family tree.

- Vice Mayor Conklin addressed an article in the local paper. It stated the Town does not contribute to the Chincoteague Volunteer Fire Company. She requested a correction stating that the Town gives assistance to the Fire Company. The Town gives them free decals, \$10,000 donation each year for 10 years, a fuel allowance, donations for fireworks, and cutting grass at the carnival grounds, along with many other services throughout the years.
- Councilman Howard informed the council that he looked into, the desecration of cemeteries. Town Attorney Poulson informed him that the state code is adequate to cover the desecration of cemeteries.
- Mayor Tarr stated that on Thursday he and Town Manager West will meet with Delegate Bloxom and the Port Authority in Richmond. They intend to express the Town's hope for money for the Harbor and downtown area for bulkheading and other downtown projects.
- Mayor Tarr stated that at the last Council meeting the Council voted to go along with the Planning Commission for planning money to Accomack County for an industrial park. This will be known as Wallops Business and Learning Center / Technical and Industrial Park. The next meeting will be February 12, 2001 at 1:00 p.m. to begin working on a plan to become a regional partner with Accomack County. Mayor Tarr requested those interested in attending the meeting speak with Town Manager West.
- Councilman Frese stated that he went to Richmond to speak before Delegate Bloxom and his committee about the Fishing License. Even after his expressed opposition the House passed the license. It is now being referred to another committee. He feels it is going to take much more work to stop this license.

13. Recess of Meeting.

Councilman Howard moved, seconded by Councilman Frese to recess the meeting until February 15, 2001 at 7:30 p.m.. Unanimously approved.

Mayor	Town Manager

MINUTES OF THE FEBRUARY 15, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

<u>Council Members Absent</u> Leonard R. Jester, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:36 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Request for Support of Model General Assembly.

Mayor Tarr explained the Chincoteague Hi-Y Club is requesting support of their Model General Assembly Program. Last year the Town contributed \$620.00, which represented sponsorship of two participants. This year's budget factors the same sponsorship. Councilman Howard moved, seconded by Councilwoman Richardson to sponsor two more people again this year in the amount of \$300.00 each person. Unanimously approved.

5. Planning Grant Application for Wallops Business & Learning Center.

Mayor Tarr asked Town Manager West to explain the Planning Grant Application. Town Manager West explained that under the proposed regional partnership for the Wallops Business and Learning Park, the Town has been asked to sponsor a request for a planning grant. The planning grant would explore the manner in which the Eastern Shore Community College and the Marine Science Consortium could be brought together to provide the educational needs associated with the Park. He also added, there will be no match required and no money required of the Town. Councilman Frese moved, seconded by Councilwoman Richardson to participate. Unanimously approved.

6. Consider Executing Agreement with VDOT for the Betterment of Water Utilities Under the Deep Hole Road Project.

Mayor Tarr stated, under the Deep Hole Road project, there is an option to upgrade the water main utilities the length of the project. The Public Works Committee suggested that in replacing the water main, it would be wise to upgrade the size from a 6" to an 8" main.

Councilman Wolffe asked and was verified by Town Manager West of the cost of the upgrade, which is estimated to be \$35,550.00. Vice Mayor Conklin moved, seconded by Councilman Wolffe to enter into the agreement with VDOT for the upgrade of the water main utilities the length of the Deep Hole Road project. Unanimously approved.

7. Consider the Adoption of a Project Endorsement Resolution for the Rehabilitation of Curtis Merritt Harbor of Refuge.

Mayor Tarr explained the Endorsement Resolution established the Curtis Merritt Harbor Rehabilitation Project and requests funding for the same. It is a prerequisite to the Town's application for \$400,000.00 in Port Authority funding for the work. Mayor Tarr and Town Manager West attended the Port Authority meeting on February 15, 2001 and briefed Delegate Bloxom. Mayor Tarr feels that a resolution would be highly favored. The Curtis Merritt Harbor is over twenty years old, and is in need of repair. The total estimated cost of the project is \$700,000.00. Councilman Frese moved, seconded by Councilman Howard to adopt the resolution for the rehabilitation of the Curtis Merritt Harbor. Unanimously approved.

PROJECT ENDORSEMENT RESOLUTION

Whereas, the Curtis Merritt Harbor of Refuge of the Town of Chincoteague is a facility of vital importance to Chincoteague Island's working waterman, transient ships, and waterborne commerce of the Atlantic coastal region of the Eastern Shore of Virginia; and

Whereas, extensive repair work of the Curtis Merritt Harbor of Refuge is necessary and it is desirable for the Town of Chincoteague to provide an endorsement of such a rehabilitation project through resolution.

Now, Therefore, Be it Resolved, that the Chincoteague Town Council does hereby support the project to be known as the "Curtis Merritt Harbor Rehabilitation Project" by establishing and endorsing such a project.

Be it Further Resolved, the Town of Chincoteague respectfully requests that the Virginia Port Authority provide financial assistance through the Commonwealth Port Fund toward the accomplishment of this vital project.

of financial assistance.	
Adopted this 15 th day of February, 2001.	
John H. Tarr, M.	layor
Attest:	
A Record	
James M. West, Town Manager	
8. Other Matters.	
 Mayor Tarr asked if there were any further matters to bri Councilman Frese on behalf of the Harbor Committee, the Manager West for attending the meeting in Richmond with the Delegate Bloxom. 	nanked Mayor Tarr and Town he Port Authority and
• Councilman Wolffe announced the Mosquito Control Co Monday, February 26, 2001 at 5:30 p.m.	ommittee will meet on
• Councilman Howard reminded the Council of the charett and 22 nd , 2001, which is a workshop for the revitalization of	
9. Next Meeting.	
Mayor Tarr announced the next meeting of the Council woul p.m.	ld be March 5, 2001 at 7:30
10. Adjournment.	
Councilman Frese moved, seconded by Councilman Howard 7:55 p.m. Unanimously approved.	I to adjourn the meeting at
	Town Manager

Be It Finally Resolved, the Town of Chincoteague agrees to provide local matching funds as necessary and required by the Virginia Port Authority as a condition of receipt

MINUTES OF THE MARCH 5, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:35 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr also recognized the loss of Councilwoman Richardson's mother.

4. Approval of Minutes.

Councilman Wolffe moved, seconded by Councilwoman Richardson to approve the minutes of the February 5, 2001 and February 15, 2001 meetings. Unanimously approved.

5. Council Information Items.

Councilman Howard asked if the Police Committee discussed the rollerblade matter. Mayor Tarr asked the Police Department toresearch the matter and report to the Town Manager.

6. Committee Reports.

Chincoteague Assateague Transportation and Access Committee - Town Manager West updated the Council on the Chincoteague Assateague Transportation and Access Committee meeting, in which the committee continues working on an emergency plan. They will make the required revisions and finalize the plan by the next meeting, which is scheduled for March 28, 2001.

Bicycling Advisory Committee - Town Manager West also updated the Council on the Committee's work. The Committee is in the process of working on a new bicycling plan and will meet Wednesday, March 14, 2001.

Deer Task Force - Mayor Tarr stated he has a gentleman interested in serving on the Deer Task Force.

Budget and Personnel Committee - Vice Mayor Conklin reported that the Budget and Personnel Committee held their meeting and has begun work on the FY'02 budget. **Public Works Committee -** Councilman Jester announced the Public Works Committee

meeting was cancelled.

Planning Commission - Councilman Jester informed Council that the Planning Commission was unable to work on the Comprehensive Plan at their last meeting. They discussed watchtowers, windmills, and non-conforming structures.

Mosquito Control Committee - Councilman Wolffe stated the Mosquito Control Committee met February 26, 2001. The equipment is functioning properly, and there was discussion about communication. Councilman Wolffe added the recertification of the technicians is scheduled for March 13, 2001. He also commended Mr. Travis Marshall for the work he did on the pamphlet about the West Nile Virus. Councilman Wolffe suggested the Town be pro-active on the issue of the West Nile Virus as the information is steadily changing. The pamphlet, once completed, will be kept current and distributed to the local businesses.

Cemetery Committee - Councilman Howard announced the Cemetery Committee did not meet in February.

Main Street Revitalization - Councilman Howard advised Council on the Downtown Revitalization Committee. He stated the focus in February was the Charette that was held at The Chincoteague Center. There has been sufficient progress on the individual committee projects. Councilman Howard announced the next meeting is scheduled for March 13, 2001 at 7:00 p.m.

7. Donation to Model General Assembly Program.

Mayor Tarr presented Despie Katsetos, E. W. Jeffries, and Brian Haugh of Chincoteague High School with a check from the Town of Chincoteague in the amount of \$600.00 as a donation for the Model General Assembly Program.

8. Public Participation.

Mrs. Loretta Richardson asked for Council's decision on her insurance matter. Mayor Tarr explained that a letter was issued to all of the participants of the program requesting they keep insurance for the ten-year period of the contract. He stated there was damage to one of the participant's home and no insurance. The Town was not responsible to pay for any damages. Mayor Tarr also added it is not the intent to make everyone get insurance but to inform them that they were supposed to have insurance according to the contract.

Mrs. Richardson added that this program was for the elderly and less fortunate citizens that could not afford to repair their homes, and they also could not afford insurance. She suggested the Town purchase the insurance for those participants in the program. Mayor Tarr responded that it was the benefit of the recipients of the program. It was not

the Town's money it was the State's money. He also added when a house is sold prior to the ten-year expiration., the money is reused for the needy, as opposed to sending it back to the State.

Mrs. Richardson asked why she had not been contacted about this matter within thirty days. Mayor Tarr explained that Town Manager West was researching this matter and it was to be discussed further by Council. Mrs. Richardson stated that the wording on the contract was confusing and she suggested the Town rewrite them for overall understanding. Mayor Tarr responded that the contract was drafted from the State. She requested a response in writing.

9. Consider Change to Section 302 of Employee Handbook.

Town Manager West explained the leave policy, which is:

<u>Tenure</u>	Hours/Pay Period	Hours/Year	Days/Year
90 days – 1 year	2.00		
1 – 5 years	3.08	80.08	10
5 – 15 years	4.62	120.12	15
over 15 years	6.92	179.92	22.5

The following leave was proposed by staff to the Budget & Personnel Committee and the committee forwarded the matter for Council's consideration:

<u>Tenure</u>	Hours/Pay Period	Hours/Year	Days/Year
90 days – 1 year	2.00		
1-5 years	3.08	80.08	10
5-10 years	4.62	120.12	15
10 – 15 years	5.54	144.04	18
over 15 years	6.92	179.92	22.5

The proposed leave schedule provides those employees with 10 - 15 years of tenure with about an hour of additional leave per pay period. This would immediately benefit 8 of 45 employees of the Town, and would impact an additional 8 employees within five years.

Councilman Howard asked about the cost to the Town this change would accrue. Town Manager West responded his estimation of the immediate effect is approximately \$600.00. Councilman Wolffe stated the proposed amendment was appropriate and felt the employees have earned the change. Councilman Jester, Vice Mayor Conklin, and Councilman Frese concurred. Councilman Wolffe moved, seconded by Councilman Jester to approve the proposed change to Section 302 of the Town's Employee Handbook to add in an additional leave accrual level between 10 and 15 years at 5.54 hours per pay period. Unanimously approved.

Councilman Frese asked when the change would be effective. After discussion, Council agreed to make it effective during the next full pay period.

10. Other Matters.

- Public Works Director Jeffries updated Council on the pending projects such as the Town Dock, and the box culverts.
- Town Manager West explained the requirements for public hearings for grants under the DHCD. There are two Public Hearings that are required. One is scheduled for March 15, 2001 which is to decide what community development should be undertaken. The second hearing gathers comments on the grant application. Mayor Tarr suggested to dispensing with the March 15, 2001 recessed meeting and invite Mrs. Kat Edwards with the ANPDC to the first hearing and any of the Council that wishes to attend. The second meeting will be during the April Council Meeting to review the near-final document that will be submitted. The Council agreed.
- Town Manager West announced the Annual Hurricane Conference will be held in Washington, DC the week of April 9 13, 2001. He suggested attending at least two days of the conference and suggested EOC Committee members may wish to attend.
- Town Attorney Poulson informed that the School Board placed an environmental covenant on more of their property for the benefit of VDOT. This would get the mitigation area for the Deep Hole Road project. He added that VDOT would be covering the cost.
- Councilman Howard commented on the program titled "Rays of Hope" the youth sponsored at The Center and noted what a good program it was.

13. Closed Meeting.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to possible acquisition of public property and for consultation with legal counsel regarding a potential new contract; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOIE:	Ayes - Nays - Absent -	Conklin, Frese, Howard, Jester, NONE NONE	Richardson, and Wolffe
		ATTEST	: Town Manager
Council Unanim	man Frese nously appro	ment of Meeting. moved, seconded by Councilman H ved. The meeting was adjourned a g was scheduled for April 2, 2001	t 9:15 p.m. Mayor Tarr announced
	Mayor		Town Manager

MINUTES OF THE APRIL 2, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor Nancy B. Conklin, Vice Mayor Leonard R. Jester, Councilman James T. Frese, Councilman Terry Howard, Councilman Ellen W. Richardson, Councilwoman Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:36 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes Of the March 5, 2001 Meeting.

Vice Mayor Conklin moved, seconded by Councilman Frese to approve the minutes of the March 5, 2001 meeting, as presented. Unanimously approved.

5. Council Information Items.

Vice Mayor Conklin asked if there was information on the Parks property. Town Manager West informed Council, he and Mr. Kenny Lewis met with Mr. James "Junior" Parks, Thursday, March 29, 2001. Mr. Parks was made aware of the Town's Ordinances and their application to the property. Mr. Parks was more concerned with having to pay for the demolition than the demolition itself. The only thing the Town could do is demolish the building and put a lien on the property for the demolition cost, which Mr. Parks was not in favor of. Town Manager West suggested another way to demolish the house, such as volunteers. Councilman Frese asked if the Fire Company would burn it down. Town Manager West stated that he has not contacted them.

6. Committee Reports.

911 Committee – Chief Lewis stated the 911 Committee met on March 8, 2001. The Town has received a free radio from Conectiv for emergencies, however an antenna is needed. The Committee discussed the current requirement that dispatchers be EMT certified be changed to only CPR certification. This would reduce training costs, and is not a state requirement.

Chincoteague Assateague Transportation and Access Committee – Town Manager West reported there was a meeting Wednesday, March 28, 2001. He stated this was an informative meeting about beach dynamics and the process of erosion. They are continuing efforts to form an emergency plan.

Deer Task Force – Councilwoman Richardson reported there was no meeting in March however the count is down from last year. The hunt ended on March 30, 2001.

Ordinance Committee – Councilman Frese reported, the last minutes are being approved and will report at the next meeting.

Curtis Merritt Harbor Committee – Councilman Frese stated the Committee is working on several projects. They would like to do something with the parking lot and ramp. They are working on funding for rebuilding through grant monies along with Harbor funds. They would like to install a drainfield and restrooms. They also want to move the storage area back and build a fence around it.

Budget and Personnel Committee – Vice Mayor Conklin reported there were two meetings in March. The Committee reviewed the trash contract, 911 system, and advertising costs. The FY'2002 budget is progressing nicely.

Planning Commission – Councilman Jester informed Council of the last meeting, which was March 27, 2001. The Committee has made corrections and changes to the Revitalization Plan. There will be a meeting on April 4, 2001 to finalize the changes. Public Works Committee – Councilman Jester reported there has been offers of donations for memorials to loved ones. He requested that the donors wait until after the Comprehensive Plan has been completed and this could be incorporated in the plan. The skateboards and roller blades matter has been addressed. They are trying to decide on a street that would be feasible. Councilman Jester added they would like to use the new path behind the Municipal Complex and school for roller bladders and scooters. He also

reported there is another company interested in the trash collection contract. He added that a street was renamed. There have been additions to the drainage project listing. There are also places on Ridge Road, Main Street, Bunting Road where pavement needs to be repaired.

Main Street Revitalization Committee – Councilman Howard updated the Council on the progress of the grant application. He announced the next meeting of April 3, 2001 at 7:00 p.m.

Cemetery Committee – Councilman Howard stated the Committee met March 27, 2001. They have somewhat of a cemetery cleaning plan and projects.

7. Public Hearing – Downtown Revitalization Grant Applications.

• Mayor Tarr opened the public hearing at 7:50 p.m. He explained that a couple of years ago the Town of Chincoteague started a planning process which began with applying for a planning grant to start a downtown revitalization effort. The Town is now at the end of the planning and is applying for an \$800,000.00 community improvement grant from the Virginia Department of Housing and Community Development. This hearing is the second of the required public hearings. Mayor Tarr also explained that the Town has applied for other funding sources which are: The Virginia Department of Conservation and Recreation, Virginia Outdoors Fund, and the Boating Infrastructure Grant Program administered by the Virginia Department of Health. The sources are the reason for the public hearing. One funding source has already had a public hearing and a grant application has been submitted for funds through the Virginia Department of Transportation for \$481,000.00.

Mayor Tarr gave a breakdown of the funding sources:

VDOT	\$481,000.00
Community Block Grant	800,000.00
DCR	125,000.00
The Department of Health	100,000.00
Town Matched Funds	117,000.00
Total	\$ 1,623,000.00

Mayor Tarr invited Mrs. Kat Edwards with the Accomack Northampton Planning District Commission and Town Manager West to assist with explanations and to give an update on the grant applications.

• Mrs. Edwards explained the specifics on the revitalization efforts in the downtown areas, which will be focused on the elimination of blighted areas. These are the under utilized properties or those in need of repair. The remaining largest vacant parcel is blighted which is a downtown waterfront lot near the base of the bridge. Each funding source focuses on a different project. The TEA-21 fund is for transportation and enhancement. This will allow a waterfront walkway, an overlook pier, some boating slips, and pathways. The Department of Conservation and Recreation fund is for recreational boating facilities as well as parks, and quiet sitting areas. The Department of

Housing and Community Development focus is on slums and blights. She stated that the downtown area currently does not have an anchor. The purchase of the downtown vacant property would act as a department store does in other communities by serving as a stimulus to encourage people to visit the downtown area. The development plan is a long-term plan that could include possible street-scaping, widening of the sidewalks to reach as far as the new bridge site.

- Town Manager West stated the application for the boating infrastructure grant would target transient boats and charter boats, both of which have limited mooring space on Chincoteague.
- Mayor Tarr invited comments from the audience.
- Mr. Donald Leonard stated that he was glad to see the planning included the downtown dock area. He added that the Town needs to purchase the property, as it has always been an asset to the community. He referred to Memorial Park as an example of the Town's ability to develop park areas and expressed that it is a credit to the community.
- Mrs. Jane Wolffe expressed her support of the downtown revitalization effort. She said that there are so many advantages for this lot. She stated that there is need for public space for family activities for both residents and visitors. Mrs. Wolffe explained her concern for the many questions she receives of "What is there to do other than the beach?" She encourages the revitalization of the downtown area.
- Mr. Arthur Leonard, as a boat captain on the Island, thinks that revitalization efforts downtown is very much needed especially for boaters. It will make the place more attractive to the area. He expressed his acceptance for the plan.

Mayor Tarr closed the Public Hearing at 8:07 p.m.

- Councilman Frese asked if the plan was cast in stone as presented.
- Town Manager West stated this was more of a depiction of the potential of the property.
- Councilman Wolffe asked Mrs. Edwards about including commercial ventures on the lot. Such as temporary gazebo-type structures that merchants can utilize.
- Mrs. Edwards responded she felt that would be allowed.
- Mr. Donald Leonard asked about the drawing and if the remains of the bridge are to be considered as an observation point.
- Mayor Tarr responded it was included in the drawing.

- Councilman Howard asked if the "matched funds" were going to come from the grant monies or the Town's funds.
- Mrs. Edwards answered that this was the plan to use the grant money and the Town's to complete the entire project.

8. Consider Project Resolutions & Revitalization Plan.

Mayor Tarr stated that resolutions for the grant applications need approval. Mayor Tarr read some of the points that the money will be used for: acquisition of the downtown property, economic and blight removal, development of both facilities, park, street-scape improvements, lighting improvements, pedestrian and biking improvements, some vehicle, traffic, and parking improvements, and create a gateway from the new bridge at Maddox Boulevard to the downtown area. Mayor Tarr asked Town Manager West to read the resolution supporting the grant application.

RESOLUTION

WHEREAS, the Town of Chincoteague desires to revitalize its downtown and Main Street area through the elimination of economic and physical blight, and

WHEREAS, the following funds are available to assist in the revitalization effort:

	•	VDOT T-21 Grant	\$481,000
•		DCR Outdoors Fund	\$125,000
	•	VDH Boating Infrastructures Grant Program	\$100,000
	•	Town of Chincoteague Main Street Revitalization Projects	\$147,000
	•	Town Matching Funds	\$117,000
			\$970,700

AND WHEREAS, the revitalization effort is deemed a high priority by the Town of Chincoteague and shall be referred to as the Downtown Revitalization Project; and

WHEREAS, the Downtown Revitalization Project will eliminate blight and stimulate economic development by upgrading, improving, and revitalizing some 32 buildings and properties.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to two public hearings, the Town of Chincoteague wishes to apply for \$800,000 of Virginia Community Development Block Grant funds for the Chincoteague Downtown Revitalization Project; and

BE IT FURTHER RESOLVED, that the Town of Chincoteague acknowledges that blight removal activities under the project shall occur in accordance with Title 36, Article 7 of the Code of Virginia and that if deemed necessary during implementation of the

project, the Town of Chincoteague shall develop a Redevelopment of Conservation Plan; and

BE IT FINALLY RESOLVED, the Chincoteague Town Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Housing and Community Development and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Downtown Revitalization Project.

Adopted this 2 nd day of April 2001.	
	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

Councilman Howard asked if the Town of Chincoteague Main Street Revitalization Projects of \$147,000 was earmarked or budgeted. Town Manager West explained that it was money spent thus far.

Councilman Frese moved, seconded by Councilman Howard to approve the resolution as read. Unanimously approved.

Mayor Tarr briefed the Council about the Governing Resolution for the Department of Conservation and Recreation grant application. He explained the elements of the application: development of a lot into a park, outdoor activities, development of waterfront, Main Street boating facilities, walkways, bikeways, and fishing piers, mooring for recreation vehicles, create trails, and flexible outdoor uses on the property. Mayor Tarr requested that Town Manager West read the Governing Resolution.

GOVERNING RESOLUTION

WHEREAS, the Department of Conservation and Recreation (DCR), provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, there are urgent needs within the Town of Chincoteague to develop park land; and

WHEREAS, the vacant downtown lot area is deemed of high acquisition and development priority by the Town of Chincoteague and shall be referred to as the Downtown Waterfront Park project; and

WHEREAS, in order to attain funding assistance from DCR, it is necessary that the Town of Chincoteague guarantee that a proportionate share of the cost thereof is available; and

WHEREAS, a proportionate project share of \$117,000 is funded by the Town of Chincoteague.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Chincoteague, that the Chincoteague Town Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the Department of Conservation and Recreation and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Downtown Waterfront Park, and

BE IT FURTHER RESOLVED, that the Town of Chincoteague gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$117,000; and

BE IT FURTHER RESOLVED, that the Town of Chincoteague will operate and maintain the public recreational facility in good condition and will provide permanent acknowledgement signs of the participating funding agencies and that this signage will clearly state that the said facility is a "public" recreational facility; and

BE IT FURTHER RESOLVED, that the Town of Chincoteague shall dedicate the metes and bounds of the Chincoteague Waterfront Park properties, in perpetuity, for public outdoors recreational purposes in accordance with the Land and Water Conservation Fund Act; and

BE IT FINALLY RESOLVED, that the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Downtown Waterfront Park in order to enhance the standard of public recreational enjoyment for all our citizenry.

Adopted this 2 nd day of April 2001	
	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

Councilman Jester moved, seconded by Councilman Frese to approve the Governing Resolution as read. Unanimously approved.

Mayor Tarr explained some of the elements of the Virginia Department of Health grant application: construct new bulkhead, finger-piers, mooring and docking facilities, harbor facilities, floating docks, pump-out stations, recycling and trash receptacles and waterside utilities, facilities used for transient boaters, charter boaters, recreational boaters, and fishermen. Mayor Tarr asked Town Manager West to read the Project Resolution.

PROJECT RESOLUTION

WHEREAS, the Department of Health, Division of Wastewater Engineering manages funds from the United States Fish and Wildlife Services for the development and improvement of boating infrastructure facilities; and

WHEREAS, the Town of Chincoteague has identified the development of the vacant lot in the downtown district into a waterfront park and boating facility as a high priority and shall henceforth refer to such project as the Downtown Waterfront Park; and

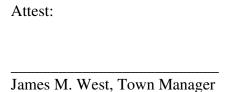
WHEREAS, the Town of Chincoteague plans to provide day-docks, transient slips, safe winter harbors, fixed piers, bulkheads, dockside utilities, pump-out stations, and various other amenities for charter and transient boats as part of its planned development and improvements for the Downtown Waterfront Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Chincoteague respectfully requests that the Virginia Department of Health assist in approval and funding of the Downtown Waterfront Park through the Boating Infrastructures Grant program in order to enhance the standard of public recreational enjoyment for all our citizenry, and

BE IT FURTHER RESOLVED, that the Town of Chincoteague intends to fund \$117,000 of the cost of the approved project, and gives its assurance that all applicable federal and state regulations governing such expenditure of funds will be complied with the administration, development, and subsequent operation of the Downtown Waterfront Park, and

BE IT FINALLY RESOLVED, by the Town Council of the Town of Chincoteague, that the Chincoteague Town Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the Department of Health and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Downtown Waterfront Park.

Adopted this 2 nd day of April 2001.	
	John H. Tarr. Mayor



Councilman Howard moved, seconded by Councilman Frese to adopt the Project Resolution as read. Unanimously approved.

Mayor Tarr expressed his appreciation to the Downtown Revitalization Committee, Mrs. Kat Edwards, and Town Manager West for all the hard work on the grant applications. Councilman Howard reiterated and thanked everyone on the Committee for all the time and hard work on the project.

9. Public Participation.

• Mr. Weldon Bowden stated he represented the truck drivers. He expressed his concern of a safety hazard in the right-hand turn lane at the downtown traffic light. He suggested moving the stop lines back at the intersection. He explained that when making the right turn onto the Island, a large truck has to swing out into the other lane. He would appreciate Council's consideration. Mr. Bowden also stated that there are tree limbs hanging in the roadways on Beebe Road, Bunting Road, North Main Street, Deep Hole Road and Ridge Road.

Mayor Tarr stated the requests would be reviewed.

10. Consider Adopting Resolution of Support for Mid-Chesapeake Bay Ferry Feasibility Study – Phase II.

Mayor Tarr read a letter received from the Accomack-Northampton Planning District Commission thanking those who attended the Mid-Chesapeake Bay Ferry Feasibility Study presentation on February 27, 2001. As a result of the presentation, VDOT has agreed to fund the proposed Phase II study. The Northern Neck Planning Commission has requested a Resolution of Support to assist in acquiring funding for Phase II from VDOT.

Resolution of Support For the Mid-Chesapeake Bay Ferry Feasibility Study – Phase II

WHEREAS, the Mid-Chesapeake Bay Ferry Feasibility Study – Phase I determined:

- The potential vehicle and passenger demand for ferry service across the Bay
- Vessel requirements including approximate capital and operating costs
- Marine and landside access facility requirements including approximate capital and operating costs

- The overall financial feasibility of the service considering costs and revenues
- The likely economic benefits/impact to the Northern Neck and Eastern Shore communities
- Supplemental financial needs and potential funding options

AND WHEREAS, this data indicated that a Mid-Chesapeake Bay Ferry is feasible;

AND WHEREAS, this feasibility can be further evaluated by the development of a "blueprint" for the implementation of ferry service through a set of action plans, set forth in a phase II study;

AND WHEREAS, specific activities included with The Mid-Chesapeake Bay Ferry Feasibility Study – Phase II will address:

- Terminal Site Development Program
- Ferry Operations Plan
- Financial Plan
- Detailed Implementation Plan and Schedule
- Corridor and Land Use Assessment

AND WHEREAS, the Virginia Department of Transportation has offered to fund The Mid-Bay Ferry Feasibility Study-Phase II utilizing the Department's Planning Budget and requiring no local match;

AND WHEREAS, VDOT has requested that the four Northern Neck Counties, the two Eastern Shore Counties and the Town of Chincoteague formally indicate their approval and support for moving into the Phase II Study:

THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby approves of and supports The Mid-Bay Chesapeake Bay Ferry Feasibility Study – Phase II, to be administered by the Northern Neck Planning District Commission at a cost not-to-exceed \$200,000, and to be funded with Virginia Department of Transportation Planning Funds.

Duly Adopted	at its regul	lar monthly	y meeting of	April 2,	2001, t	by the	Chincoteague
Town Council.							

	John H. Tarr, Mayor
ATTEST:	

Vice Mayor Conklin moved, seconded by Councilman Frese to adopt the Mid-Chesapeake Bay Ferry Feasibility Study – Phase II Resolution of Support. Unanimously approved.

11. Consider Level Funding Request from ANPDC.

Mayor Tarr asked Town Manager West to explain a request received from the Accomack-Northampton Planning District commission. Town Manager West explained that there are 13 members on the commission; 7 from Accomack County, 5 from Northampton County and 1 from the Town of Chincoteague, with funding apportioned is as follows:

Accomack County	\$59,122
Northampton County	\$29,561
Town of Chincoteague	\$ 6,459

Town Manager West also explained that the obvious benefit of the Town's membership in the Commission is the planning assistant that we derive. The most recent assistance is the applications for the Downtown Revitalization grants. Town Manager West stated throughout the years we have sufficiently utilized this source.

Councilwoman Richardson moved, seconded by Councilman Frese to consider level funding in the amount of \$6,459.00 for the ANPDC. Unanimously approved.

12. Consider Star Transit Donation Request.

Mayor Tarr stated the Town has received a request from STAR Transit to consider an annual donation in the amount of \$500. Town Manager West added he did not believe the Town donated money last year, however the Council has given contributions in the past. The donation is for funding to do the extended service into Maryland. STAR Transit has planned a new route to connect with Worcester County Ride in New Church, Virginia, enabling passenger's access to points North such as Pocomoke, Ocean City and Salisbury.

Councilman Howard asked if Star Transit was privately owned.

Vice Mayor Conklin feels the Council should support this. They are growing and need the funding.

Councilman Howard added that other towns have contributed to STAR Transit, and agrees with Vice Mayor Conklin.

Councilman Wolffe asked Town Manager West if this was just a commitment for this year or for multiple years.

Town Manager West responded that the request is for this year.

Vice Mayor Conklin moved, seconded by Councilman Howard to donate \$500.00 to STAR Transit for this year. Unanimously approved.

13. Rate Increase Notice – Charter Communications.

Mayor Tarr stated that Charter Communications notified the Town of a rate increase to be effective in June. According to the FCC forms, the basic rate will increase from \$19.46 to \$21.31 per month. He also added that there was no increase for the cost of additional tiers of service, but some service calls will increase.

Councilman Jester asked if the facility upgrade has been completed.

Town Manager West responded that work continues on the tie-ins.

Councilman Jester expressed his concern for the lines that are sagging to approximately 10 feet above the ground on Ridge Road. There is one pole with a tremendous amount of strain.

Town Manager West stated he called Conectiv because some of the lines belong to them. He added another pole is scheduled to be installed.

14. Other Matters.

- Public Works Director Jeffries stated the exemption for the Fire Company concerning advance life support providers having an EMT on the ambulance in order for them to provide Advance Life Support has been received.
- Public Works Director Jeffries updated Council on the Town Dock renovations.
 The work has been progressing nicely.
- Public Works Director Jeffries stated the Fowling Gut culverts should be in place tomorrow. This project will increase the drainage flow beyond Church Street.
- Public Works Director Jeffries stated the paving project on Ridge Road and the new walkway at Memorial Park should also be completed tomorrow.
- The West Nile Virus brochure developed by Mosquito Control will be going to the printers next week.
- Town Manager West stated that the recodification has been completed. Mrs. Hipple has worked with the document and incorporated new ordinances rather than sending it to the original vendor. Draft copies are available and he would like to issue them to the Ordinance Committee tonight.

Mayor Tarr announced the next Council meeting would be April 19, 2001 at 7:30 p.m.

15. Closed Meeting.

Councilman Frese moved, seconded by Councilman Howard to go into Closed Meeting under Section 2.1-344 of the Virginia Code to possible acquisition of public property and for consultation with legal counsel regarding a potential new contract; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Vice Mayor Conklin to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Nays - Absent -	Conklin, Frese, Ho NONE NONE	oward, Jester, R	Richardson, and Wolffe
		ATTEST:	Town Manager
Councilman Howar	•	y Councilman l	Frese to adjourn the meeting.
Mayor	ved. The meeting wa	is adjourned at	Town Manager

MINUTES OF THE APRIL 19, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:
John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor

James T. Frese, Councilman Terry Howard, Councilman Leonard R. Jester, Councilman Ellen W. Richardson, Councilwoman Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:34 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Introduction of New Employees.

Chief Lewis introduced Evie Bowden, and Jackie Tarr, new part-time dispatchers. He also introduced Lou Sumner who is a former Accomack County Sheriff's Department employee. He moved to the Island two years ago and is the Town's new police officer.

5. Request for Support of Delmarva Fireman's Convention.

Mayor Tarr stated he received a letter from the Chincoteague Volunteer Fire Company requesting support for the convention in May. Town Manager West added in the past the Town has contributed \$150.00 and the county has contributed \$500.00. The County has recently approved a donation of \$500.00

Councilman Jester moved, seconded by Councilwoman Richardson to match the County's contribution for the support of the annual convention of \$500.00. Unanimously approved.

6. Resolution of Support for the Northern Accomack Dialysis Center.

Councilman Wolffe explained the Kiwanis Club of Chincoteague has been researching the feasibility of a dialysis center in northern Accomack. He expressed his concern for the safety of the traveling patients. Councilman Wolffe stated that the Kiwanis met with Fresenius Medical Group who agreed to do a feasibility study and later agreed there is a need for a center in this area. Nephrology Associates of Tidewater feel it would be difficult for them to come two to four days a week to staff the facility. Councilman Wolffe told the Kiwanis and the Fresenius Medical Group that he felt the Town Council would support a center for this area and sign a Resolution of Support to take with them when they meet with the Nephrology Associates of Tidewater.

Town Manager West read the resolution.

RESOLUTION OF SUPPORT

Whereas, there are many residents of Chincoteague and northern Accomack County who suffer from chronic renal failure requiring hemodialysis three times each week; and

Whereas, the closest dialysis centers for these patients are currently located in Nassawaddox, Virginia; Salisbury, Maryland; and Berlin, Maryland; all of which require a trip of nearly one hour in each direction; and

Whereas, this lengthy journey creates a significant hardship and health risk for these patients; and

Whereas, a recent feasibility study conducted by Fresenius Medical Care Incorporated, concluded that a dialysis center in northern Accomack County would be a financially viable venture.

Now, Therefore, Be it Resolved, that the Town Council of the Town of Chincoteague does hereby strongly support the development of a dialysis center in northern Accomack County; and

Be it Further Resolved, that the Town of Chincoteague strongly encourages all parties involved to give their utmost consideration to this project, bearing in mind the health and well being of our citizens.

Adopted this 19 th day of April 2001.		
	John H. Tarr, Mayor	_
Attest:		
James M. West, Town Manager		

Vice Mayor Conklin moved, seconded by Councilman Frese to approve the resolution. Unanimously approved.

Councilman Wolffe requested that in addition to sending the resolution and letter to Nephrology Associates, Town Manager West send a copy to Mr. Otto Pehle of the Kiwanis.

7. Discuss Draft Downtown Revitalization Plan and Finalize Changes.

Mayor Tarr stated the Council had a public hearing on this matter. The plan is to be used in three different grants.

Councilman Frese added the downtown plans are not cast-in-stone. They can be changed at a later date, if so desired.

Councilman Wolffe moved, seconded by Councilman Frese to adopt the Downtown Revitalization Plan. Unanimously approved.

8. Scheduling Joint Public Hearing to Change Sections of the Zoning Ordinance.

Mayor Tarr asked Building and Zoning Administrator Lewis to explain each change.

Mr. Lewis explained the nonconforming structure matter. Currently, the Zoning Ordinance, Section 5.7.1 explains the replacement of a structure is permitted after destruction by a hurricane, fire or other disaster, and it shall be restored only if no additional bulk/square footage is increased. The Planning Commission has proposed the exception that exterior wall indents located inside the existing house line may be extended. In no case would this proposal allow the extension of the indents to exceed the established house line.

Mr. Lewis also stated there are conflicts with Section 5.5.1. He gave an example that if you do not tear down a structure, you can expand to the setback mark and build upward. However, in Section 5.7.2, this is not permitted. When you tear down a structure you can only rebuild what was already there. Mr. Lewis added that the Planning Commission has discussed this matter and they would like to incorporate Section 5.5.1 into Section 5.7.2.

Councilman Wolffe and Vice Mayor Conklin feel that by allowing the expansion this could overshadow neighbors. This would not keep up the characteristics of the adjoining properties.

Councilman Frese opposed, and explained about a low-income young couple with a growing family. Should they lose their house in a catastrophe, the Town would be creating a hardship by only allowing them to build back exactly what was there, and then accruing more costs to expand after rebuilding. Councilman Frese feels that by allowing the enlargement during rebuilding would help with the costs.

After much discussion about expansion, or the demolition and expansion of structures on nonconforming lots, Council agreed to send this matter back to the Planning Commission.

Town Manager West asked if the Council wanted to have a joint public hearing for the following proposed changes:

(1) <u>Change</u> sections 3.3.4.C, 3.6.4.C, 3.12.4.C, 4.3.4C, and 4.6.5.C

"Cupolas, watchtowers, chimneys, flues, water towers and parapet walls may be up to eight (8) feet above the height of the main buildings upon which they rest".

To read:

"Chimneys and flues shall not be more than six (6) feet above the height of the main buildings upon which they rest.

(2) Add to Sections 3.2.1.2, 3.5.3,3.8.9,3.11.4,4.2.3,4.5.2

Power generating wind mills.

Councilman Wolffe asked for clarification. Mr. Lewis stated, by allowing this change, chimneys and flues would be 6 feet above the 36 feet height limit. Anything else to be placed on the house will not exceed the limit of 36 feet.

Councilman Jester stated that the wind mills should be allowed only by exception since they can be noisy.

Councilman Wolffe moved, seconded by Councilman Howard to hold a joint public hearing on both changes recommended by the Planning Commission. Unanimously approved.

The date of the Joint Public Hearing is scheduled for May 17, 2001 at 7:30 p.m.

9. Discuss Advertising the Proposed FY 2002 Budget.

Mayor Tarr announced that the Budget Committee has completed the draft budget, and requests a public hearing be advertised and scheduled for May 7, 2001.

Councilman Frese moved, seconded by Vice Mayor Conklin to advertise a public hearing for the draft FY 2002 budget. Unanimously approved.

10. Changes to Inoperable Motor Vehicle Ordinance and Discuss Business Licenses.

Councilman Frese recommended changes to the inoperable vehicle ordinance. There is no penalty in the ordinance. The following changes are recommended by the Ordinance Committee:

Article IV, Section 11-34 (e)

Delete:

Weeds or the placing, draping or securing of a tarpaulin, or other non-rigid cover, over or around an inoperative vehicle shall not be sufficient to comply with the requirements of this article.

Add:

Non-rigid covers specifically manufactured and designed for use on a particular make & model of vehicle are permitted for use as a screen. Such fitted covers shall be in non-deteriorated or otherwise acceptable state. Draped tarpaulins, or other non-fitted, non-rigid type covers are specifically prohibited as methods of screening inoperable vehicles. All fencing shall comply with current town zoning. (11-3-97)

And add: Article IV, Section 11-35 (h):

Any person violating the provisions of this ordinance shall, upon conviction, be guilty of a Class 4 Misdemeanor and be punished by a fine of not more than \$250.00.

Councilman Frese moved to incorporate the proposed changes to inoperable motor vehicle ordinance, seconded by Councilman Howard. Unanimously approved.

Councilman Frese also explained the recommended change for business licenses, which is to eliminate the "No Cost" business license. He also added to exempt all students from business licenses including college students.

Mayor Tarr asked for the purpose of the "No Cost" business license.

Town Manager West gave examples of "no cost" business license. There is a "No Business" business license, and this is when someone purchases a license and conducts no business. There are also the crafters who do little to no business, which would be under \$1,000.00 and qualify also.

Councilman Howard added that the Causeway Sign Policy also pertains to the gross receipts of \$1,000 or less. There are those who get a business license so they will be permitted to have a causeway sign.

There was discussion of changing the "No Fee" business license to charging the minimum of \$30.00.

Town Manager West advised Council to possibly go to public hearing with eliminating the "No Cost" business license, and charging the minimum of \$30.00 per year.

Mayor Tarr expressed the need to send this matter to a public hearing.

Councilman Wolffe moved, seconded by Councilman Frese to send the "No Cost" business license to a public hearing on May 17, 2001 at 7:30 p.m. Unanimously approved.

Mayor Tarr requested a listing of the businesses that apply.

11. Recommendation from Meals Tax Committee.

Mayor Tarr explained to Council that 10% of meals taxes by ordinance is required to be dedicated to the promotion of tourism. The Meals Tax Committee recommended maintaining the current disbursement with 5% being provided to the Chamber of Commerce and 5% provided to the Community Center.

Councilman Howard moved, seconded by Councilman Jester to maintain the 5% / 5% disbursement of meals taxes for the promotion of tourism. Unanimously approved.

12. Other Matters.

- Mayor Tarr announced the VML Town Section Meeting in Exmore on May 9th, 2001 at 11:00 a.m. Those interested should let Town Manager West know.
- Mayor Tarr asked Council what they wanted to include in the kiosk for the boat ramp.

Town Manager West suggested a map showing the other ramps on the Island. The Council would like to review and edit the items to be put on the kiosk.

- Mayor Tarr requested to be the liaison for the Council during Student Government Day on May 7, 2001. Council agreed.
- Town Manager West announced the results of the bid opening for a new Municipal generator:

Carter Machinery Company, Inc. \$16,365.00 – delivery 8 – 12 weeks Cummins Atlantic, Inc. \$20,558.00 – delivery 50 days Western Branch Diesel \$18,470.00 – delivery 70 days Womble Generator Service \$24,000.00 – delivery 75 days

Town Manager West announced the low-bidder, Carter Machine Company, Inc., is in compliance with the specifications, and recommends Council accept the low bid.

Councilman Wolffe asked if the bid included the cost of removal and installation of the generator.

Town Manager West responded that the removal will be done in-house, there will be some electrical work required.

Councilman Howard moved, seconded by Councilman Frese to award the bid to Carter Machinery Company, Inc. Unanimously approved.

• Vice Mayor Conklin and Town Manager West commended Mrs. Hipple for a great job on research and reporting she had done in tourism and visitation indicators.

Mayor Tarr announced the next meeting is scheduled for Monday, May 7, 2001 at 7:30 p.m.

13. Adjournment.

Councilman Frese moved, seconded by Councilman Wolffe to adjourn the meeting. Unanimously approved.

Mayor	Town Manager

MINUTES OF THE MAY 7, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
Leonard R. Jester, Councilman
James T. Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:35 p.m.

2. Invocation.

Student Government participant Lori Tarr offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes of the April 2, 2001 and April 19, 2001 Meetings.

Councilman Howard addressed some changes to the minutes of the April 2, 2001 meeting. The first change refers to a statement Councilman Jester made in item #6 about the Comprehensive Plan, which should be changed to the Revitalization Plan. He also clarified the question asked in item #12 about STAR Transit. He wanted to know if STAR Transit was privately or publicly owned. Councilman Howard also corrected

Town Manager West's response in item #13 about the control of the basic cable rate. He stated we do control the rates when actually we do not control the cable rates.

Vice Mayor Conklin stated she had a change for the Planning Commission minutes. She stated that Councilman Jester advised the Planning Commission that Vice Mayor Conklin complained about the occupant load. Vice Mayor Conklin corrected that it was Mr. Richard Conklin that had requested Council consider limiting occupancy in rental homes.

Councilwoman Richardson requested a change in the Planning Commission minutes. She advised that Mrs. Wolffe quoted that Councilwoman Richardson did not want to make it easier for old non-conforming homes to be torn down and replaced with larger ones. Councilwoman Richardson corrected, that she was not happy to see old houses torn down. There are circumstances when it is not feasible to fix up an old house, then you would have to tear it down.

Councilman Howard moved, seconded by Councilman Jester to approve the minutes of the April 2, 2001 and April 19, 2001 Council Meetings as corrected, unanimously approved.

5. Public Hearing – Proposed FY 2002 Budget.

Mayor Tarr opened the public hearing at 7:40 p.m., and explained that the proposed FY 2002 Budget could not be voted on for one week, after public comments are heard.

• Mr. Tommy Clark handed out a chart and stated that he likes small government. He feels that tourism is not growing on the Island at a rate it should be. Mr. Clark also stated that Chincoteague is competing with other Eastern Shore towns. He feels the Town is missing out on 50% of potential tourism business. Mr. Clark said that by hiring an urban and marketing planner the Town's tourism business would benefit. This individual would administer and apply for the grants. He stated he would rather keep the money on Chincoteague for a Marketing and Urban Planner as opposed to sending it to Accomack. Another job would be to plan the events on the Island with the Chamber. Instead of having one weekend with several events, the Town should plan several weekends with different events to draw people here more often.

Councilman Wolffe asked what the figures on the chart represented.

Mr. Clark responded it represented profit per month. He suggested getting help with planning for Island events to bring tourism here.

Councilman Frese stated that Therese Hamilton from the Chincoteague Center is a marketer and is working with the Chamber. He added there are other groups on the Island working together.

Mr. Clark still feels one person needs to be in charge of coordinating all the Island tourism activities and events.

Councilman Wolffe asked if this individual would work for the Town or a joint venture between the Town and the Chamber of Commerce. He feels this should be part of the Chamber's duty.

Mr. Clark agreed, however, he feels this person needs to be multi-tasked including grant writing. He stated he would like to see this person working for the Town and assist the Chamber for monetary reasons. The Town benefits more than the Chamber with added visitors.

Mr. Frese responded that we're all part of the Town, and if we all benefit, the Town benefits.

Mr. Clark finished by asking Council to keep this in mind when reviewing the budget.

Mayor Tarr thanked Mr. Clark for his input and stated it's something the Town needs to look into.

There being no further public comment, Mayor Tarr closed the public hearing at 8:00 p.m., and announced the possible vote on May 17, 2001 for the FY 2002 Budget.

6. Council Information Items.

Councilman Wolffe updated Council on the roller blade and skateboard matter. He stated the Police Committee decided that it would be hazardous to allow roller blades and skateboards on streets. He requested a letter updating Mrs. Mona Birch on the status informing her that the situation was still being worked on.

7. Committee Reports.

- Town Manager West reported on the Beach Access Committee. They are continuing to work on an Emergency Access Plan. Revisions are being made.
- Town Manager West announced the Bicycle Committee would meet Wednesday, May 9, 2001.
- Vice Mayor Conklin reported the Budget and Personnel Committee worked on the budget for tonight's hearing.

Councilman Howard, in reference to the Budget, asked where \$20,000 was trimmed.

Town Manager West responded that a cardboard bailer in the Public Works Department was eliminated at \$12,000 and there were software upgrades for the Police Department that were eliminated also.

• Councilman Jester announced the public hearing for the Comprehensive Plan is scheduled for May 22, 2001.

- Councilman Jester reported on the Public Works Committee. He stated they discussed solutions at intersections with right turns including the foot of the bridge. The Committee also looked at the possibility of a reimbursement for a water connection on Zed Ayres Lane. There was also review of the drainage ordinance draft, along with discussion of drainage problems. The Fire Company has asked for assistance with drainage on the Carnival Grounds.
- Councilman Howard reported for the Revitalization Committee. The grant applications are complete and submitted thanks to Mrs. Kat Edwards with the Planning District Commission. He also added that the Committee would like to have a debriefing dinner.
- Councilman Howard updated Council on the Cemetery Committee. They will be speaking with Mr. Ted Lewis, President of the Chincoteague Chamber of Commerce about the cleanup of Greenwood Cemetery. The Public Works Department will be taking care of Bunting Cemetery again this year. Councilman Howard also reported that they are working on the cleanup and maintenance of the cemeteries. He announced the next meeting, which will be May 22, 2001 at 7:00 p.m.

Councilman Jester asked if the school would be taking care of Hallie Smith Cemetery.

Councilman Howard responded there is a possibility that the Hi-Y would be taking care of it. However, the work may not begin until the fall because of the problems with deer ticks.

Councilwoman Richardson added there is a path cleared leading to the Hallie Smith Cemetery. She spoke with Mr. Yunker about the Hi-Y cleaning the cemetery and they will clean it as they are working for funds to attend the Model General Assembly each year.

8. Student Government.

Mayor Tarr introduced Student-Mayor Jackie Tarr.

Student-Mayor Tarr introduced the Student Government:

Town Manager Matthew Jarvis
Chief of Police Despie Katsetos
Council Joe Bloxom
Robbie Mears
Jessie Clark

Jessie Clark
Peter Castanzo
Matt Taylor
Brooke McIntosh

Public Works Director Lori Tarr

Student-Mayor Tarr explained they understand there is a lot more to solving the Town's problems than they thought. They expressed their concerns and were taught the different ways to look at them. She then explained the different jobs and views of the local government. Student-Mayor Tarr thanked the town officials for their assistance and time.

Student-Mayor Tarr expressed a concern at Memorial Park. There are large groups of teenagers that are profane and rough. They feel that small children are intimidated and do not go there because of the problem. She then asked Student-Chief of Police Despie Katsetos to explain.

Student-Chief Katsetos suggested suspending the courts for a few weeks as punishment to show that abuse of a privilege is serious. Should the problem still occur a solution could be to move the hoops behind the tennis courts away from the playground equipment or put up another court for the smaller children under age 12.

Councilman Frese asked how long the problem has been going on.

The Student-Council responded this problem started last summer and is growing.

Councilman Wolffe asked what the methods are to enforce this type of situation.

Chief Lewis responded that they approach the individuals and ask them to stop, and upon walking away they start it again. There are large groups of approximately 100 people playing basketball. He added it's a complicated issue.

Councilman Howard stated he was unaware there was a problem. He would like to see the park used and enjoyed by all.

Councilman Wolffe asked if there is a profanity ordinance.

Chief Lewis stated there is a profanity ordinance. The only problem is the officer has to hear it to charge the individual with a misdemeanor.

Councilman Wolffe asked if a plain-clothes officer hears profanity would his testimony be enough for the uniformed-officer.

Chief Lewis answered that it would, and a summons would be issued.

Vice Mayor Conklin asked if the young people are from elsewhere in the county.

Chief Lewis responded they are.

Vice Mayor Conklin asked if the Sheriff's Department should be called for assistance.

Student-Mayor Tarr added that the basketball courts in the county have been closed which causes them to come here. Our young people go to the park to use the courts on a

Saturday and are turned away because of so many people with rude and profane behaviors.

Mayor Tarr stated this was a much more complicated issue, and this matter will be sent to the Police Committee to research, resolve and report at the next meeting.

There was discussion of the park rules, which Mayor Tarr informed the rules are posted.

Student-Mayor Tarr stated another issue they would like to mention is during the summer people like to walk on Maddox Boulevard. There are no sidewalks and it is a dark walk from The Village to the Chamber of Commerce building. She asked Student-Councilman Joe Bloxom to explain this request.

Student-Councilman Joe Bloxom requested sidewalks and streetlights on Maddox Boulevard from the Village to the Chamber of Commerce building. The right of way width in this area is 100 feet. This would make it a safer and much nicer place to walk in the evenings.

Mayor Tarr responded there has been research on the streetlight matter a few years ago. They have looked into putting streetlights on the left-hand side going toward Assateague.

Town Manager West added that they spoke with Conectiv for a quote of the cost of lights and never received the quote.

Councilman Wolffe asked if the sidewalk would take away the bike path.

Student-Councilman Bloxom stated he felt there was enough room for both.

Councilman Wolffe asked if the Bicycle Advisory Committee has addressed the area.

Town Manager West responded the lane was widened prior to the Committee, in retrospect the Committee would like to have had a separate facility.

Councilman Wolffe asked for the potential for the road width.

Town Manager West informed there was potential for a separate facility when the pavement is restructured. Currently there are shoulder facilities and feels the focus on sidewalks is correct.

Councilman Jester suggested a sidewalk on one side of the street and bicycle lane on the other.

Student-Councilman Bloxom agreed this would be a good compromise.

Councilman Jester asked who owned that side of Maddox Boulevard.

Town Manager responded the Maddox Heirs own the property with 150-200 feet frontages.

Mayor Tarr sent this matter to the Public Works Committee.

Student-Mayor Tarr stated the next matter they would like to address is the parking hazards on Church Street. She said that things have changed since the last time the issue was brought up. The Catholic Church has a new parking lot. Student-Mayor Tarr asked Student-Councilwoman Jessie Clark to explain this matter.

Student-Councilwoman Clark explained that they understand the Opportunity Shop issue with "No Parking" on Church Street. They feel the Catholic Church parking lot has sufficient parking. She also added that there is the Town Parking Lot behind the shop that already has a sidewalk. She suggested allowing "Timed Parking" for the Opportunity Shop drop-offs. Student-Councilwoman Clark also suggested allowing funeral parking as there is usually an officer directing traffic during this time.

Councilman Jester responded that the Catholic Church has offered to help out with this problem for the Opportunity Shop. They have set aside the first two or three parking spaces. He felt the Opportunity Shop just doesn't want to use the parking offered and needs convincing that it is necessary.

Student-Mayor Tarr added the last concern is with traffic on the Causeway. She understands the Town would not be able to do what is needed, however they would like the Town to help address this matter to VDOT. She asked Student-Councilwoman Brooke McIntosh to explain.

Student-Councilwoman McIntosh suggested changing the area from Chincoteague to Queen Sound Bridge into a "No Passing Zone" which would help the flow of traffic. She would also like a minimum speed limit sign posted at 45 miles per hour. This way you would not have to pass as long as the traffic flow was constant.

Councilman Howard asked if the "No Passing Zone" would be from the mainland to Chincoteague.

Student-Councilwoman McIntosh responded that most of it is "No Passing. In the areas that passing is allowed, there's not enough time to get around the vehicles. She feels this would eliminate accidents.

Mayor Tarr clarified that the Student Government's request is twofold: to post "No Passing" from Chincoteague to Queen Sound Bridge, and to post minimum speed limit signs of 45 mph.

Student-Mayor Tarr thanked everyone for assisting the students throughout the day in learning about their government.

Mayor Tarr added that Council will respond to each of the items.

9. Public Participation.

• Mr. Bill McComb proposed a "Park Technician" position for Memorial Park. This could be a seasonal job to help out with the problems mentioned.

Councilman Wolffe suggested to find out where the majority of the kids are coming from in Accomack County. He suggested speaking to community or church leaders to address this in their own population. This way their community could solve their problem of not having anywhere to go. It also won't look like our community is looking like the enforcer.

Vice Mayor Conklin added that it seems they've closed their areas down and not addressed the problem causing them to relocate here. She is skeptical of how much help we would receive from them.

10. Request for Support of the Oyster & Maritime Museum.

Mayor Tarr explained the request received from the Oyster and Maritime Museum for an annual donation of \$2,000.00. He explained that the Town donated \$2,000.00 for a period of 5 years. This expires this year and needs to be renewed.

Councilman Wolffe asked if this was a one-year extension or another five-year commitment.

Mayor Tarr responded they have only asked for an annual donation, however it is up to Council. He believes this started when the Museum was planning the addition and they requested help in an annual donation.

Councilman Jester stated that he feels it should be supported.

Councilman Frese added they host the elderhostel groups, which brings a lot of money into Town. He feels it's in the Town's best interest to donate.

Councilman Frese moved, seconded by Councilman Wolffe to renew the annual donation of \$2,000.00 for five years, unanimously approved.

11. Ordinance to Change Polling Place.

Mayor Tarr asked Town Attorney Poulson to explain the change.

Town Attorney Poulson stated the need for the changes to be advertised for two consecutive weeks and a reference of the advertisement that there will be a copy of the ordinance on file as well as a map showing the current and proposed change of polling places.

Mayor Tarr asked if this was just an advertisement and no public hearing.

Town Attorney Poulson responded there is no need for a public hearing.

Mayor Tarr explained that Council will be asked to consider a change of the polling place from the firehouse to the Civic Center.

Councilman Wolffe moved, seconded by Councilman Howard to advertise the proposed polling place ordinance for two weeks. Unanimously approved.

12. Adoption of Minor Construction Project Resolution for Hallie Whealton Smith Drive.

Mayor Tarr asked Town Manager West to explain.

Town Manager West stated prior to the meeting he received an email and would like to withdraw the request. The project is already incorporated and the Town only needs to send them a bill once the pavement work is completed.

Councilman Howard asked if this project was incorporated in the Deep Hole Road project.

Town Manager West responded that it is incorporated.

Councilman Howard also asked what treatment the road would be.

Town Manager West answered it will be a three-coat surface treatment. He added that Public Works Director Jeffries has assigned a deadline of May 25, 2001.

13. Discuss Building Permit Fees.

Mayor Tarr stated that Councilman Frese requested this item be placed on the agenda, and asked him to explain.

Councilman Frese explained that one of the larger motels wanted to obtain a re-roof permit, but the fee was \$1,200.00. He doesn't agree with this. Councilman Frese stated that Building and Zoning Administrator Lewis calls this a structural change. He does agree that it does embody some structural elements. He stated the business should be allowed to consider this re-roofing.

Councilman Wolffe asked how the fee came to be so high.

Councilman Frese stated this is a large building, 60 feet by 200 feet.

Councilman Wolffe also asked for clarification if it was the total square footage of the total building or the roof that is being replaced.

Councilman Frese responded that it's the imprint on the ground.

Mayor Tarr corrected, that the fee is based on square footage, and the regular building permit would be based on square footage of each floor.

Town Manager West interjected that the regular fee structure does not have anything built in for a simple roof print. The fee structure is based on the floor print.

Councilman Wolffe suggested to agree on something between the two.

Councilman Jester suggested to cut the fee in half.

Councilman Frese asked why the fee couldn't be cut out. He stated he could re-roof his own house with no fee.

Councilman Jester responded that it is different when you're restructuring the roof. It's applying rafters as opposed to shingles.

Councilman Frese understands there is a difference, but wants to know the net effect. He feels on a technical basis this is correct, however replacing rotten plywood on a roof is also restructure.

Councilman Wolffe responded that according to the letter from the Department of Housing and Community Development they support Building and Zoning Administrator Lewis. He feels that it should be considered as a construction and handled the same way, however when dealing with a large structure it can get out-of-hand. He suggested setting a maximum permit fee, after a certain square footage cost, of possibly \$200 - \$250.

Councilman Wolffe asked if an inspection is needed for a simple re-roof.

Councilman Frese responded Building and Zoning Administrator Lewis does an inspection for re-roofing.

Councilman Wolffe also asked even if he is only putting new shingles on his roof he is required to get a permit.

Councilman Frese stated it is a no fee permit.

Councilman Howard added that this was changed so people could fix their house without having to pay an additional fee. He feels that in every case they are trying to protect their property and keep it in good condition. You can do it without a fee in one case and in a case with a mobile home they have to pay a fee because of the trusses. He thinks it is better all the way around not to charge a fee. Councilman Howard also added that the Building and Zoning Administrator is being fair and trying to administer the law. He feels there should be an exception made for those changing from a flat roof to a pitched roof. They are only trying to keep a roof from leaking and enhance their property.

Councilman Wolffe asked when there is a change from a flat roof to a peaked roof is Building and Zoning Administrator Lewis going to be asked to inspect this change.

Councilman Frese said that everything should be inspected whether it is charged or not.

Councilman Wolffe thought that for a shingling job only, there is no inspection.

Town Manager West added Building and Zoning Administrator Lewis checks to see if there is an asbestos inspection. Councilman Jester stated that inspection of shingles occurs on commercial jobs.

Councilman Wolffe stated that if they are going to require an inspection on this, there has to be some sort of minimal fee.

Councilman Frese mentioned that the Building and Zoning Administrator is already being paid. The fee is going to the Town not to him.

Councilman Wolffe stated we charge for other construction, and we are asking for his expertise to make sure the construction is up to the standard. If we are going to ask him to make sure of the appropriate construction style, there needs to be an appropriate fee.

Councilman Frese understands Building and Zoning Administrator Lewis performing his duties, but whether the Town gets paid for this is no consequence to him. Councilman Frese added if he doesn't inspect the roofs then he is derelict in his duty.

Councilman Wolffe responded that he doesn't know if that's true or not.

Councilman Howard doesn't feel this is consistent or fair.

Mayor Tarr said there's a difference in putting trusses on top of an existing roof and just re-shingling a house. Trusses have to be engineered and approved, and the building has to be looked at to see if it can hold the additional weight. There are other things involved than just re-roofing a house. Mayor Tarr also stated that he doesn't agree with the fee structure, but there is a difference.

Councilman Wolffe added that Council is asking for more out of the Building Administrator to insure the safety of the people who are going to be in that building.

Councilman Howard agrees that the restructure should be inspected, but does not agree with the fee. He stated that he supports the idea of no fee for an A-frame on a mobile home.

Councilman Jester stated that it would have been possible to put a rubber roof on to make a tight roof with no fee and no structural changes.

Councilman Frese stated that if a business had a peaked roof to begin with then he could re-shingle it and repair it as needed at no fee. He also stated that we're going to pay Building and Zoning Administrator Lewis whether he inspects one building or ten buildings.

Councilman Wolffe stated once again he agrees that \$1,200.00 for changing a flat roof to a pitched roof is too much. He looks at this change as a construction project. He would like to see a set fee and go away from the square footage charge. He suggested looking at the fee structure as opposed to changing the requirement that changing a flat roof to a peaked roof is considered to be re-roofing. Councilman Wolffe stated he is opened to a minimum fee suggestion.

Mayor Tarr asked Town Manager West if the town could do away with a structural permit.

Councilman Frese added he is not asking to do away with a structural permit. He would like to consider it as a re-roof and issue the permit free.

Mayor Tarr stated the fee structure could be changed, which is within the council's power.

Councilman Frese suggested to make the fee \$.02 per square foot.

Councilman Wolffe suggested to keep it the same per square foot and cap it at \$200.00 maximum no matter how big the roof is.

Councilman Frese asked to give relief to those who are living in trailers.

Councilman Wolffe asked what the current fee structure is.

Town Manager West informed the current permit fees are \$10.00 per hundred square feet for commercial and \$9.00 per hundred square feet for residential.

Mayor Tarr suggested asking Building and Zoning Administrator Lewis to research other localities and see what they do. He also requests the Town staff research the fee structure by the recessed meeting, Thursday, May 17, 2001.

14. Proclamation: Safe Boating Week.

Mayor Tarr read the proclamation. PROCLAMATION

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. With this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat; and

WHEREAS, responsible boaters will learn the local boating regulations, mater the 'rules of the road', not drink alcohol and boat, wear their life jacket, and respect fellow boaters; and

WHEREAS, U. S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague, provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur; and

WHEREAS, boaters nationwide are wearing their life jackets this week and year-round to recognize National Safe Boating Week.

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 19 through 25, 2001 as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jackets, boat responsibly, and enroll in safe boating class.

John H. Tarr, Mayor

Attest:

James M. West, Town Manager

DATED this 7th day of May 2001.

Councilman Howard moved, seconded by Councilman Jester to approve the proclamation, unanimously approved.

15. Other Matters.

- Public Works Director Jeffries informed Council that the Public Works Department has adopted the Bunting Cemetery. They will take care of the cemetery on their own time with their own tools.
- Town Manager West also informed Council the VML Town Section meeting has been cancelled. He stated there is one scheduled in Smithfield on May 18, 2001 and should anyone wish to attend please let him know.
- Councilman Frese stated at the last Council meeting there was an issue referred back to the Planning Commission. There was discussion that the time limit would be exceeded, however they were informed that state law would give them 100 days. He quoted the State Law Section 15.2-2285 Paragraph (B), "Failure of the Commission to

report 100 days after the first meeting of the Commission after the proposed amendment or reenactment has been referred to the Commission or such shorter period as may be prescribed by the governing body shall be deemed approval."

Councilman Frese said with this rule the matter was sent back to the Planning Commission in error and he moved to take the matter back.

Mayor Tarr asked to which matter he was referring.

Councilman Frese responded that the Commission was instructed to make Section 5.7.1 conform to Section 5.5.1. He believes from the last meeting that they were working on Section 5.5.1 in error.

Councilman Wolffe asked if there needs to be another motion to send Section 5.5.1 back to the Planning Commission separate and to give them another 60 days to consider changing this.

Councilman Frese stated the matter went to them in error. The Ordinance Committee sent this specific request to Council who in turn sent Section 5.7 only over to the Planning Commission. They ignored what was sent to them and wanted to change Section 5.5.1 to agree with 5.7.1 other than the reverse.

Town Attorney Poulson asked if he was talking about a sub-division provision or a zoning provision to which Councilman Frese stated zoning.

Mayor Tarr also added that reading further states, "or such shorter period as may be described by the governing body."

Councilman Frese stated he thinks the Zoning Ordinance states 30 days.

Councilman Wolffe suggested if the Council is going to take the matter back, under the current discussion, it needs to be sent back to the Planning Commission anyway. He added that according to the Planning Commission minutes of April 25, 2001 there are differing opinions within the Commission. He feels that there is a reasonable debate and they should be allowed to work on this and report to Council with a reasonable recommendation.

Councilman Jester stated that he has been on the Planning Commission for 6 years. This is the first time that the Council has sent a matter to the Planning Commission that has not been resolved in a proper amount of time. He stated that it has been going on for 4 months and feels the Council should take it back and resolve it. He feels that if they have another 100 days it will not be resolved. Councilman Jester seconded Councilman Frese's motion.

Councilman Wolffe asked Town Attorney Poulson if they decide to take this matter back from the Planning Commission what would it take to send it back and ask them to look at Section 5.5.1 and 5.7.2. He wanted to know if it would take a motion from Council. He

stated that he feels the Commission deserves a chance to look at both ordinances and reconcile them to each other.

Town Attorney Poulson responded, at this point the Council can vote on the matter or they can re-send it back to the Commission if they desire to do so with a majority vote.

Councilman Wolffe stated that in the minutes of the last Planning Commission meeting there is thoughtful debate of how to reconcile the ordinances for a reasonable representation of what's in the best interest of the Town.

Mayor Tarr added that the Planning Commission can take on any issue they wish and make a recommendation to the Council. Originally they only sent Section 5.7.1, but felt it appropriate to look at 5.5.1.

Councilman Frese also added to show the same respect to the Ordinance Committee that they are extending to the Planning Commission.

Councilman Jester stated at the first or second meeting he expressed his concern and feels it is very easy to correct. He stated that is was addressed at that time.

Councilman Wolffe reiterated his strong belief in the Planning Commission.

Mayor Tarr asked Town Attorney Poulson if he was sure that the Planning Commission can take-up any issues.

Town Attorney Poulson upon his recollection believes they can bring any proposed change to Council.

Mayor Tarr added that the time requirement applies when the Council refers an issue to the Planning Commission.

There was discussion about the time limit on the matter already sent to the Planning Commission. The time limit ran out and was extended. Councilman Frese feels the extension was not legal.

Councilman Howard asked why Council couldn't send it back. If they bring it back and the Council does not like it, then they don't have to accept it.

Councilman Jester feels that four months is long enough to settle on an ordinance change.

Councilman Howard stated that all of the board and committee members are volunteers on their own time. They deserve some degree of merit.

Councilman Frese asked about the owner that has been waiting months for an answer.

Mayor Tarr responded that the owner has an answer because there are already ordinances in place.

Councilman Frese added, as long as the ordinance is like it is, this owner is not going to improve the house.

Councilman Wolffe stated to look at the larger picture and see what would be best for the entire island in the future.

Mayor Tarr interrupted, the issue is whether the matter is going to be taken back by the Council or resent to the Commission. There is already a motion on the floor.

Town Attorney Poulson stated the matter is still with the Planning Commission according to the law.

Mayor Tarr responded that Council's motion was not to give them an extension from 60 to 100 days, but was to give them a brand new 100 days. Upon closer inspection of the Town's requirements, they now have 30 days from the time the Council sent it back to them. Mayor Tarr added this does not mean it has to be back from the Planning Commission, it means that Council then has the right to take action on the item.

Town Attorney Poulson informed Council that he felt Councilman Frese's motion was contrary. He thinks they have the thirty days, which is outlined in the ordinance and has not expired, therefore Council cannot take the matter back.

There was further discussion of the deadline of 30 days. According to Town Attorney Poulson the motion is void. Mayor Tarr ruled the motion out of order.

- Councilman Jester thanked the Council for sending him to the Hurricane Conference and found it to be very informative.
- Mayor Tarr announced the first EOC meeting to be held the first week in June.

16. Closed Meeting.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to possible acquisition of public property and for consultation with legal counsel regarding a potential new contract; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Frese moved, seconded by Councilman Wolffe to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

17. Recess of Meeting.

Councilman Howard moved, seconded by Councilman Jester to recess the meeting until May 17, 2001 at 7:30 p.m., unanimously approved.

Mavo	or Tarr	announced	the next	meeting	was sche	eduled for	r Mav	17, 2	001 at	7:30 1	p.m.
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Mayor	Town Manager

MINUTES OF THE MAY 17, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:33 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Presentation of Certificate of Appreciation.

Mayor Tarr presented Jacklyn Russell with a Certificate of Apprecition.

CERTIFICATE OF APPRECIATION

Jacklyn Russell

WHEREAS, Jacklyn Russell has served the Chincoteague Chamber of Commerce and this community well for twelve years; and

WHEREAS, her service has been marked by exemplary dedication to the best interests of the community as she has worked for the betterment of our economic development during her tenure with the Chincoteague Chamber of Commerce; and

WHEREAS, she has earned the admiration and high regard of our community through her service;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chincoteague does hereby express our sincere appreciation to Jacklyn Russell for her distinguished service to the community and our best wishes for continued success in all her future endeavors.

DATED this 17th day of May 2001.

	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

Mayor Tarr added that this is a husband and wife team that devotes a lot of time to this community, and thanked Mr. and Mrs. Russell.

5. Presentation of Fire Company Donation.

Mayor Tarr presented Mr. Ken Hardison, President of the Chincoteague Volunteer Fire Company, with a check for \$10,000, which is the seventh of ten donations toward the purchase of the Company's fire truck.

Mr. Hardison thanked Council for the donation to help serve the community.

6. Joint Public Hearing to Consider Changes in Zoning Ordinance.

Mayor Tarr opened the joint public hearing at 7:38 p.m.

Town Manager West read the proposed changes:

- (1). <u>Change</u> sections 3.3.4.C, 3.6.4.C, 3.9.4.C, 3.12.4.C, 4.3.4.C & 4.6.5.C "Cupolas, watchtowers, chimneys **and** flues **shall not be more than** water towers and parapet walls may be up to eight (8) six (6) feet above the height of the main buildings upon which they rest".
- (2). Add to Sections 3.2.1.2, 3.5.3, 3.8.9, 3.11.4, 4.2.3, 4.5.2

Power generating windmills

Mr. Mike Tolbert, Chairman of the Planning Commission, explained the first change refers to height restrictions. The second change refers to power generated windmills that will require a special use permit because of excessive noise.

Mayor Tarr asked for public comments, hearing none he declared the public hearing closed at 7:40 p.m.

Mr. Harry Harris of the Planning Commission moved, seconded by Mr. David Ross to send the recommendation to the Council for approval. Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Conklin to approve the proposed changes to the Zoning Ordinance. Unanimously approved.

7. Public Hearing to Consider Changes in Business License Ordinance.

Mayor Tarr explained this public hearing is to do away with the "no cost" business license.

Delete section 10-8 C. Any business having gross receipts as defined in section 10-3 for the preceding year of less than \$1,000.00 shall require a license but shall be exempt from payment of license tax, except for the license tax for the first year as provided in section 10-19.

Councilman Frese added it is also to exempt full time students from the business license requirement.

Mayor Tarr opened the second public hearing at 7:44 p.m.

• Mr. Mike Doyle expressed his concern of exempting students. There are students of all ages, and he suggests adding an age limitation.

Mayor Tarr closed the public hearing at 7:45 p.m.

- Mayor Tarr asked for discussion from Council.
- Councilman Frese suggested adding "full-time students under the age of 22".
- Vice Mayor Conklin asked if this would include college students.
- Councilman Frese responded that it would.
- Town Manager West stated the addition would take place as paragraph (c) in the section. He also added that the Town doesn't charge a minor.
- Councilman Howard does not feel there's a need for an amount limit.
- Councilman Wolffe added a cap could prevent an applicant from putting the business in the son/daughter's name for self-benefit. He suggests a cap of possibly \$5,000 in gross receipts to protect the Town.
- Councilman Howard stated he understands the point and agrees.

Councilman Wolffe moved, seconded by Councilman Frese to rewrite Section 10-8(c) to add a "no fee" business license for full-time students under the age of 23, with gross annual receipts not exceeding \$5,000.00. Unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to not allow "No Cost" business license as it exists for gross receipts under \$1,000. Unanimously approved.

8. Pre-Contract Activities for Grant Application/Consider Adoption of Policies.

Mrs. Kat Edwards explained there are a few things that the Department of Housing and Community Development requires a locality to do within the first 90 days after they are awarded a grant. By adopting the required policies and procedures this will get the money out faster. Also is if this is not done within the 90 days, 10% of the planning grant is withheld.

She reviewed the Fair Housing Certification, any locality that receives community development block grant funds is requested to certify that they will do one activity to affirmatively market fair housing in their area. The activity can be completed by

providing brochures or attending a seminar once a year. Mrs. Edwards read the Fair Housing Certification Policy.

FAIR HOUSING CERTIFICATION

Compliance with Title VIII of the Civil Rights Act of 1968

Whereas, the Town of Chincoteague has been offered and intends to accept Federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, the Town of Chincoteague agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action will be selected from a list provided by the Virginia Department of Housing and Community Development.

Duly adopted at its recessed meeting held on May 17, 2001.

James M. West, Town Manager

Councilman Jester moved, seconded by Councilman Frese to adopt the Fair Housing Certification. Unanimously approved.

Mrs. Edwards stated if the town has a policy on non-discrimination the policy in the packet is not necessary.

Mayor Tarr responded the town does have one in place.

Mrs. Edwards explained the Local Business and Employment Plan. This particular plan is to get localities to consider awarding the contract locally.

TOWN OF CHINCOTEAGUE ISLAND

LOCAL BUSINESS AND EMPLOYMENT PLAN TO BE USED DURING THE IMPLEMENTATION OF THE CHINCOTEAGUE ISLAND MAINSTREET/DOWNTOWN REVITALIZATION PROJECT

1. The Town of Chincoteague Island designates Town Boundaries as its Local Business and Employment Project Are.

- 2. The Town, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
- 3. In awarding contracts for work and for procurement of materials, equipment or services the Town, its contractors, and designated third parties shall take the following steps to utilize businesses that are located in or owned by in substantial part by persons residing in the Project Area:
- 1) The Town of Chincoteague Island shall ascertain what work and procurements are likely to take place through the use of Community Improvement Grant Funds
 - 2) The Town of Chincoteague Island shall ascertain through various and appropriate sources including the Eastern Shore News and Chincoteague Beacon, the business concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant.
 - 3) The identified business concerns shall be apprized of opportunities to submit bids, quotes or proposals for work or procurement contracts that utilize CIG funds.
 - 4) To the greatest extent feasible the identified businesses and any other Project Area business concerns shall by utilized in activities which are funded with CIG funds.
- 4. In the use of trainees or employees for activities funded through CIG=s the Town of Chincoteague Island, its contractors and designated third parties shall take the following steps to utilize lower-income persons residing in the Project Area:
 - 1) The Town of Chincoteague Island in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.
 - 2) The Town shall advertise through the Eastern Shore News that availability of such positions with information on how to apply.
 - 3) The Town, its contractors, and designated third parties shall be required to maintain a record of inquiries and application by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.

- 4) To the greatest extend feasible the Town of Chincoteague Island, its contractors and designated third parties shall utilize lower income Project Area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
- 5. In order to ascertain substantial compliance with above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the Town of Chincoteague Island shall keep and require to be kept by contractors and designated third parties, listing of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices and through audits if necessary.

Duly adopted at its recessed meeting	ng held on May 17, 2001.
James M. West, Town Manager	

There was discussion to change the highlighted section to read Town Boundaries instead of "the Town boundaries or Accomack County".

Vice Mayor Conklin moved, seconded by Councilwoman Richardson to adopt the Local Business and Employment Plan as corrected. Unanimously approved.

Mrs. Edwards stated the Main Street/Downtown Revitalization Project Residential Anti-Displacement and Relocation Assistance Plan describes what the project is and the Town will make every effort not to displace a person from their home or business.

TOWN OF CHINCOTEAGUE ISLAND

MAIN STREET/DOWNTOWN REVITALIZATION PROJECT RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

As a part of its preparation for the implementation of the Chincoteague Island Main Street/Downtown Revitalization Project, the Town has developed and will carry out the following residential anti-displacement plan.

The Town of Chincoteague Island will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income dwelling units as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the Town will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- 1) A description of the proposed activity
- 2) The general location on a map and approximate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low-moderate income dwelling units as a direct result of the assisted activity
- 3) A time schedule for the commencement and completion of the demolition or conversion
- 4) The general location on a map and the approximate number of dwelling units by number of bedrooms that will be provided as replacement
- 5) The source of funding and a time schedule for the provision of replacement dwelling units
- 6) The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low and moderate income households in the jurisdiction.

The Town of Chincoteague Island will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The Town's project includes the following activities;

Design

- Acquisition of 1.5 acre waterfront lot to create a downtown anchor linking Main Street to Chincoteague's historic waterfront
- Site Development of waterfront lot into flexible, public, multi-use outdoor space to promote uses that will generate economic activity while recognizing the cultural and

historical contributions from downtown's location on a working waterfront

- o Repair 180 lf. of bulkhead
- Construct 4 finger piers with docking space for recreational boats 26' and over, eco-tour and charter boats
- Construct 4 finger piers with docking space small recreational boats
- o Install 430 lf. of dockside utilities
- Install pump out facilities
- o Construct 1 overlook/fishing pier
- o Construct 1 interpretive center
- o Construct 25 x 40 multi-use pavilion
- o Construct 180 lf. of water front walk way/bike way
- Construct 700 lf. of walkway connecting Main Street to waterfront
- o Construct 28 space shared parking/plaza surface
- o Landscaping, benches, trash receptacles
- Install 6 pedestrian-scale light fixtures along waterfront

Landscape/Screening

 1,500 lf. Of landscape/screening for line of sight blight removal in areas of working waterfront business/parking areas

• Façade Enhancements

- Establish building infill and renovation guidelines which are sensitive to the character of downtown and avoid "walling off" the waterfront and develop an educational "primer" and guide to façade renovation and infill development for buildings in the downtown
- Encourage private improvements to facades along Main Street to correct deficiencies and bring into compliance with character of Downtown Chincoteague for buildings not determined to be blighted (13 buildings estimated)
- Encourage the private renewal and replacement of out-sized and outdated signs
- Address facades of 3 homes occupied by LMI residents with volunteer efforts

Walkways/Alleyways

 Beautification/improvement of 350 lf. of walkways/alleyways connecting Main Street to the waterfront

- Sidewalks/Crosswalks
 - Replacement of deteriorating sidewalks
 - Establishment of 2 additional crosswalks between Cropper and Church Streets
 - o Installation of ADA access ramps at intersections
- Gateway/Wayfinding System
 - Develop southern gateway at the intersection of existing bridge and Main Street include landscape, signs crosswalks and pedestrian-scaled lighting components
 - Establishment of wayfinding system with coordinated signage to be used in the downtown area and throughout the island

Economic Restructuring

- Entrepreneurship Development
 - Develop a loan pool for business expansion or new business start up
 - Develop marketing materials i.e. map of existing businesses, inventory of vacant buildings with pertinent size and amenity descriptions, packages of materials to encourage new businesses
 - Provide workshops/training for businesses on issues like display, marketing, e-commerce etc.

Organization

- Formalize relationship between the Town of Chincoteague, CPA and HMSMA with respect to the downtown waterfront lot and other public/private partnerships involved in the revitalization of the downtown business district
 - Develop a formal agreement regarding the operation and maintenance of the festival park/marina with stakeholder roles and responsibilities clearly defined
 - Develop a maintenance plan, budget for current operation and future repair/replacement
 - o Apply for Virginia Main Street affiliate status

Promotion

- Special Events
 - Provide workshops, consultations etc. on planning and promoting special events
 - Formalize a calendar of events with assistance of the Chincoteague Preservation Association (CPA),

- Historic Main Street Merchants Association (HMSMA) and Chincoteague Chamber of Commerce
- Sponsor one small-scale event per year to market the downtown area and the festival/park

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements or the acquisition of tracts of land that do not contain housing. The Town of Chincoteague Island will work with grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, and occupiable structure will be defined as a dwelling that meets local building codes of a dwelling that can be rehabilitated to meet code for \$25,000 or less.

Adopted by the Town of Chincoteague Island at its recessed meeting, May 17, 2001.

James M. West, Town Manager

Councilman Jester moved, seconded by Councilman Howard to adopt the Main Street/Downtown Revitalization Project Residential Anti-Displacement and Relocation Assistance Plan. Unanimously approved.

Mrs. Edwards mentioned any municipalities having over 15 employees should have a 504 coordinator to monitor compliance of the Non-Discrimination Policy.

Councilman Frese and Councilman Wolffe suggested designating Town Manager West as the coordinator.

Mayor Tarr informed Town Manager West he was the coordinator.

Town Manager West asked how long or often did the ads need to be placed in the paper.

Mrs. Edwards responded to place the ad one time as soon as possible.

9. Consider Proposals for New Building Permit Fee Structure.

Mayor Tarr explained that at the last Council meeting there was discussion of the building permit fee structure of re-roofing verses structural change to a roof. Mayor Tarr read both options.

Option 1.

Chapter 5, Section 5.2 (e) For the construction of residential or commercial roof framing, the fee shall be \$2.00 per 100 square feet or fraction thereof. (3-14-94) (5-17-01)

and add

No fee shall be required for re-roofing. (5-17-01)

Option 2.

Chapter 5, Section 5.2.(e) For the construction of non-commercial or commercial roof framing, the fee shall be as required under paragraphs (a) or (c), above, except that the fee shall not exceed \$200. (3-14-94) (5-17-01)

and add

No fee shall be required for re-roofing. (5-17-01)

There was discussion about which option would be feasible for trailer roofing jobs as opposed to setting a maximum fee of \$200.00.

Councilman Wolffe moved, seconded by Councilman Frese to adopt Option 1: Chapter 5, Section 5.2 (e) For the construction of residential or commercial roof framing, the fee shall be \$2.00 per 100 square feet or fraction thereof. (3-14-95) (5-17-01)

and add

No fee shall be required for re-roofing. (5-17-01)

Unanimously approved.

10. Consider Adoption of FY 2002 Budget.

Mayor Tarr stated on May 7, 2001 Council held a public hearing for comments in reference to the proposed FY 2002 Budget.

Councilman Wolffe added a meeting of the Budget and Personnel Committee was held on May 10, 2001. They discussed a suggestion made by Tommy Clark to hire a marketing specialist/planner. Councilman Wolffe stated the budget was not changed at that time to include Mr. Clark's suggestion but will be discussed at a later time.

Councilman Howard moved, seconded by Councilman Frese to adopt the FY2002 Budget and appropriate funds for expenditure. Unanimously approved.

11. Consider Changes In Telecommunicator Job Description/Qualifications.

Vice Mayor Conklin stated this matter was brought to the Budget and Personnel Committee to change the telecommunicator job description. The only change was the EMT certification. She added the 911 Committee felt this was an unnecessary financial burden.

Councilman Jester asked if the Town paid the training costs.

Town Manager West responded the Town was paying for their time.

Councilman Howard asked why the EMT certification was included in the beginning.

Mayor Tarr responded that he believed this was a recommendation from a committee during the development of the SOP's for the dispatchers.

Mrs. Mollie Cherrix, 911 Dispatcher Supervisor, added that it was the desire at inception, but is not necessary now with the shortage of part-time personnel.

Mayor Tarr also stated there is other training such as dispatch schooling, VCIN schooling, CPR training and more.

Mrs. Cherrix added that 80% of dispatching is law-enforcement related along with park service and wildlife.

Councilwoman Richardson moved, seconded by Councilman Frese to adopt the change to the Personnel Policy eliminating the EMT certification qualification for telecommunicator. Unanimously approved.

12. Discuss/Consider Revisions to Section 13-6 of the Code of the Town of Chincoteague.

Councilman Frese explained he does not feel revisions to the code are necessary. He feels the issue is with interpretation. Councilman Frese read the last sentence of the definition of a Massage parlor from Section 13-6 of the Town Code:

This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath or a certified massage therapist.

Councilman Frese also read the definition of a Certified massage therapist:

A person at least 18 years old and has successfully completed a minimum of 500 hours of training from a massage therapy program, having received programmatic approval from the Virginia Board of Education, Division of Proprietary Schools, or certified or

approved by the Virginia Board of Education, Division of Proprietary Schools; the State Council of Higher Education; or an agency in another state, the District of Columbia or a United States territory which approves educational programs, notwithstanding the provision of § 22.1-320 of the Code of Virginia 1950, as amended; and has passed the National Certification Exam for Therapeutic Massage and Bodywork or an exam deemed acceptable to the Board of Nursing leading to national certification; and ha not committee any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in Section 54.1-3029 of the Code of Virginia of 1950 as amended.

Councilman Frese explained that in a familiar case he knows, the two people are licensed through the state. One of the licenses is from the state of Maryland, and the other is from the State of Virginia Board of Nursing. He feels the individuals are professionals, and should be exempt. They do not fall under the definition of Masseur and Masseuse. Councilman Frese also added, certified massage therapists are paid for by Medi-Care, Medi-Cade, and individual insurance companies. He stated the individual from Virginia is a Registered Nurse. He again stated he feels the ordinance does not need to be changed.

Mayor Tarr read part of Section 13-6-5:

Permits

(A) It shall be unlawful for any person as defined in subsection 1 of this section.

Mayor Tarr explained that there are three types of people defined in subsection 1: massage parlor, massage, certified masseur, and certified massage therapist. Under the Town code he feels the permit requirements of 13-6-5 apply, however Mayor Tarr agrees that a certified massage therapist should not have to go through these requirements as they are already state certified. He also stated that the definitions are separate from the requirements.

Councilman Frese feels when a specific entity is exempt then you can go no further.

Councilman Wolffe added that a professional should not have to hurdle the barriers. He feels the language should be clarified to make sure that the ordinances do not apply to a certified massage therapist.

Councilman Frese stated if hospitals, nursing homes, medical clinics, or offices of duly licensed physicians, surgeons, physical therapists, chiropractor, and osteopaths are exempt then the certified massage therapist should be exempt.

Councilman Wolffe responded the medical center has physical therapists.

Councilman Frese added if the Town exempts one under paragraph (A) then all the others should be exempt.

There was further discussion of the exemptions.

Mayor Tarr explained that in the definition of a massage parlor that the hospital, nursing home, etc. are not considered a massage parlor. He also explained that later in the ordinance Section 13-6-11 states, "It shall be unlawful for any establishment regardless whether it is a public or private facility to operate a massage parlor, bath parlor or any similar business type business where any physical contact where the recipient subservices provided by persons of the opposite sex".

Councilman Wolffe feels that massage therapist should be exempt.

Councilman Frese suggested that the exclusions in the massage parlor, apply to the rest of the Section.

Mayor Tarr clarified Mr. Frese suggestion to include the exemption listed in the bottom half of the definition of massage parlor.

Councilman Wolffe stated he agreed and wants what's best for the Island.

Councilman Frese suggested sending this matter to the Town Attorney.

There was discussion of where to put the exemption notice.

Mayor Tarr added that he has not seen an exemption in a definition section.

Councilman Wolffe suggested the exemption should be placed later in the ordinance, such as under compliance required.

Councilman Howard stated if they have the training required why should they be forced to go through police checks and photographs.

Vice Mayor Conklin asked if the individual opening the Beauty Parlor is a certified massage therapist.

Town Manager West responded the owner is not, but a certified massage therapist will be on premises.

Councilman Wolffe also suggested making a new section titling it "Exemptions" and placing it under 13-6-4.

Councilman Frese moved, seconded by Councilman Wolffe to change Section 13-6-4, Compliance to include:

Hospitals, nursing homes, medical clinics, or the offices of a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath or a certified massage therapist are exempt from this section.

Unanimously approved.

13. Other Matters.

- Town Manager West stated the Re-Codification of the Town Ordinance was submitted to the Ordinance Committee. He stated everything has been revised and the Ordinance Committee is reviewing the new code.
- Town Manager advised that the Town has advertised a request for proposals for new insurance coverage for medical coverage and for the commercial policies. He received two responses and has been brought before the Budget and Personnel Committee last week. They recommended the negotiations begin with one company. Town Manager West met with the proposer. He requests permission to negotiate towards a contract of ranking this proposal as the first choice.

Councilman Wolffe asked if this was for the commercial coverage.

Town Manager West advised that it was for the commercial policy. He stated the process is the request, receive and review proposals, receive clarifications if necessary, and determine the best interest of the Town. He added when seeking professional services it does not necessarily mean low price, however in this case it is. He said that the next step is to negotiate the best price. He also added if they do not come to an agreement he will negotiate with the next proposer.

Mayor Tarr asked that by consensus, Council agree to allow the Town Manager to proceed with negotiations, Council agreed.

Town Manager West advised Council the first ranked firm will be with the Virginia Municipal League Insurance Companies.

• Mayor Tarr asked to go back to the Re-Codification. He asked if it was necessary to review the entire code as nothing has changed except the format.

Town Manager West explained that the code has been updated and inserted the currently adopted changes have been inserted. He would like to put it on the agenda for the next meeting for adoption.

Mayor Tarr requested Council receive a copy for review.

Councilman Howard mentioned the Zoning Ordinance he just received. He asked if it was current.

Town Manager West stated it was the most recent version including everything except the change from earlier in the meeting.

• Town Manager West advised Council that there is a problem with parking at the elementary school. He asked if the School Board would be willing to pay for paving, materials, and contract costs, would Council authorize the Public Works Department to do some of the labor and equipment.

Councilman Wolffe asked where the additional parking lot would be.

Town Manager West responded to create an additional parking lot on the ridge that extends from the circle in front of the elementary school. The School Board asked for an estimate, and they have budgeted the money and would like to do a pavement job like the parking lot here. He advised the first part of the request is to use the Town's contractors, and the second part is to use Town forces for labor and grade to prepare the base for paving.

Councilman Howard asked if it was on School Board property.

Town Manager West responded it was.

Councilman Jester asked if the Town would be reimbursed.

Town Manager West responded they want the Town to donate the labor.

Councilman Howard stated he sees no reason why the Town shouldn't help out.

Councilwoman Richardson added that this could eliminate a catastrophe.

Councilman Jester asked if the parking procedures would be changed.

Councilwoman Richardson responded the new parking lot would be for the faculty only.

Councilman Wolffe asked if the current parking lot would no longer be for parking.

Councilwoman Richardson responded that it would be used by visitors. Councilwoman Richardson also responded that this new parking lot would be for faculty and staff.

Councilman Wolffe also asked how this would eliminate the fire lane use.

Mayor Tarr interjected the cars are currently parking in the fire lane to go inside the building as opposed to parking in the parking lot as there is no where for them to park. He also added with the new parking lot it will free up space and the fire lane will no longer be used. He stated this will be a minimal cost to the Town.

Mayor Tarr stated, by general consensus of the Council that, permission is granted to allow the Public Works Department to help any way they can with the parking lot.

• Mayor Tarr announced and wished Councilman Wolffe a Happy Birthday.

14. Next Meeting.

Mayor Tarr announced the next meeting of June 4, 2001 at 7:30 p.m.

15. Closed Meeting.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to possible acquisition of public property and for consultation with legal counsel regarding a potential new contract; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE:	Ayes -	Conklin, Frese, Howard, Jester, Richardson, and Wolffe
	Nays -	NONE
	Absent -	NONE
		ATTEST:
		Town Manager

Councilman Howard stated that Ms. Pansy Beebe will be 97 years old on May 23, 2001 and suggested presenting her with a Certificate of Recognition. At the consensus of the Council a certificate will be made and presented to Ms. Beebe.

16. Adjournment.

Mayor

Councilwoman Richardson moved, seconded by Councilman Frese to adjourn the meeting. Unanimously approved. The meeting was adjourned at 9:50 p.m.

MINUTES OF THE JUNE 4, 2001 CHINCOTEAUGE TOWN COUNCIL REGULAR SESSION

Town Manager

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
Leonard R. Jester, Councilman
James T. Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:38 p.m.

2. Invocation.

Councilman Howard offered the invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes of the May 7th & May 17th Council Meetings.

Councilman Howard commended the staff for a job well done on the minutes. Councilman Wolffe moved, seconded by Councilwoman Richardson to approve the minutes of the May 7, 2001 and May 17, 2001 Council meetings. Unanimously approved.

5. Council Information Items.

Councilman Howard asked about the telecommunicator listing on the action list.

Town Manager West responded that the edit in the Employee Handbook has been completed.

Mayor Tarr asked for an update on the Ida Parks Estate matter.

Councilman Wolffe asked if the Fire Company has been notified.

Town Manager West stated they agreed to burn it down if the Town assumes all liability, which could take a rider on the regular policy. He added he is looking into this matter.

Councilman Wolffe asked if all options have been considered.

Town Manager West responded he met with the owner and his primary contention is that he cannot afford any other alternative. He suggested that the Town could volunteer to clear up the debris.

Councilman Howard asked if Mr. Parks was content with this decision.

Town Manager West stated Mr. Parks would prefer to keep the house as it is. However he knows the necessity and complained about the cost. Town Manager West told Mr. Parks the Town would explore the options so there would be no cost to him.

Councilman Wolffe asked if there was documentation that Mr. Parks is the person to speak for the estate.

Town Manager West responded that he is the son of Mrs. Ida Parks.

Mayor Tarr added that Mr. West and Mr. Lewis have the authority to act on this matter, however he prefers Council's approval.

Councilman Wolffe asked if the lot will remain in Mr. Parks possession.

Town Manager West stated it will remain in his possession. He also stated Mr. Parks was concerned with liens against his property. Town Manager West added this was the only solution to avoid liens.

Councilman Howard asked if there were any heirs in opposition.

Town Manager West responded they preferred nothing be done. The family acknowledged this is a risk to public safety and it can never be returned to the estate. This is an acceptance of the facts according to Town Manager West. He stated Mr. Parks asked for assistance through one of the Town's programs, and septic was a problem. Mr. Parks was unable to participate in the program in the beginning because the septic was

not approved. He also stated if Mr. Parks could get an easement from a neighbor he could obtain a septic permit from the Health Department.

Councilman Howard asked if this was the first time the Town has approved the destroying of a dwelling.

Vice Mayor Conklin responded this is not the first time and gave an example of the old church building near her residence.

Councilman Wolffe asked if a motion needed to be made or if it was by general consensus.

Mayor Tarr stated that general consensus is all that is necessary. He added the structure is unsafe, and the heirs do not want to fix it up or tear it down.

Councilman Frese asked if it could be fixed up without septic.

Town Manager West responded this was the problem with using housing money.

Councilman Howard asked if the process was to determine first that a structure is unsafe, then to notify the property owner and allow a grace period to bring the structure in compliance.

Town Manager West responded this was correct.

Mayor Tarr added that Council could give the approval with the stipulation that Mr. Parks is notified and given a specific number of days.

This was the general consensus of Council.

Mr. Jester asked if Town Manager West received a reason why the \$400,000 grant was not submitted.

Town Manager West explained there was an emergency in the city of Hampton that required all the funds that were promised to the Eastern Shore. He was unsure of the emergency situation.

Vice Mayor Conklin asked if the opposition of the Salt Water Fishing License caused the change.

Town Manager West also explained there is a board that acted on this, and they felt the emergency outweighed the projects on the shore.

Mayor Tarr stated the Town will be notified with an itemization of the projects

Councilwoman Richardson asked Chief Lewis in the scooter and skateboard law, which prohibits them on public roads, if it included sidewalks.

Chief Lewis responded they are prohibited on sidewalks on Main Street from Maddox Boulevard to Jester Street including the side streets. They are allowed on sidewalks outside the specified area.

6. Committee Reports

- Public Works Director Jeffries introduced Mr. David Derrickson as a new Public Works employee who has been with the Town since April 30, 2001.
- Town Manager West reported the Transportation and Access Committee is still working on an emergency plan. They met last week, and they chose to pursue an emergency plan that involves school buses. He stated they realize they will have to ask for permission from the School Board. He stated that an operation similar to the Pony Penning Shuttle could be adopted for use on an emergency basis.
- Town Manager West also reported on the Bicycling Advisory Committee. He stated the Committee began working on revising the plan. He feels the new plan addresses the current need of bicycling facilities on the island. He added the Plan is expanding and addressed recreational needs. The next meeting is Wednesday, June 13, 2001 at 10:00 a.m., and Town Manager West is anticipating the finalized document in July.
- Councilman Frese reported on the Curtis Merritt Harbor Committee. He stated Public Works Director Jeffries was successful in receiving the Clean Vessel Act Grant for the pump-out system. They are working on a grant for a bathhouse. He stated they are looking into the boundaries to possibly relocate the storage area. The Committee has address the housekeeping matters also.
- Councilman Jester stated the Planning Commission held their monthly meeting, and held a public hearing on the Comprehensive Plan.
- Councilman Jester reported on the Public Works Committee. They are having a problem with the intersection of Route 175 and Main Street on the Island. He stated the Committee would like to have this matter on the agenda for the next Council meeting. They plan to show the Committee's proposal that was accepted by VDOT for Council's approval. There was discussion about commercial entrances and there will be three people reviewing the applications to eliminate future problems. Councilman Jester also reported there was discussion about private roads. The Committee recommended the owners maintain their road and turn it over to the Town.

Councilman Jester stated that Chief Lewis suggested posting "No Parking" on Church Street. He stated the Committee addressed some of the problems brought to their attention by the students. He also added they received a letter about the walking path at Memorial Park. They also discussed putting a guardrail on Hallie Whealton Smith Drive.

- Councilman Wolffe announced there will be a Mosquito Control Committee meeting on June 25, 2001 at 5:30 p.m.
- Councilman Howard reported on the Cemetery Committee. They met on May 22, 2001 and discussed previous plans, and decided to schedule their meetings on a

quarterly basis. The Committee would like to see the Mechanic's Cemetery taken care of once again. He announced the next meeting date of August 28, 2001. The Committee and Town appreciate all volunteers for their outstanding job of taking care of the cemetery's on the island. Councilman Howard also commended Mr. John Graham for his work on Thornton Cemetery along with his son.

7. Public Hearing to Receive Comment of the Impact of the Floodplain on the Community Improvement Grant.

Town Manager West explained this was another pre-grant requirement that must be met prior to receipt of a Community Improvement Grant from the DHCD. The Town needs to identify alternatives mitigating the impact of flooding on the planned improvements. The Town also must solicit public input on alternatives. Another issue is in the event of a flood, will the floodplain be altered.

Mayor Tarr opened the public hearing at 8:08 p.m. He asked for public comment. Hearing none he closed the public hearing at 8:09 p.m.

Mayor Tarr asked if a motion was necessary.

Town Manager West responded just the fact that the public had the opportunity to comment was sufficient.

8. Public Participation.

Mayor Tarr invited public participation at this time. There was none.

9. Ordinance to Change Polling Place.

Mayor Tarr explained the proposed change of polling place is from the Chincoteague Firehouse to the Chincoteague Community Center.

Councilman Wolffe asked if it would start with the primary on Tuesday, June 12, 2001.

There was discussion of the polling place posted on the new voter cards currently issued.

Councilman Wolffe asked Town Manager West to research the Town Election polling place.

Councilman Howard asked who suggested the move from the Firehouse to The Center.

Town Manager West responded it was the County, however the Town is responsible for Town elections.

Councilman Howard asked if the Town discussed this matter with the County.

Mayor Tarr stated there was discussion and each council member was called for their preference. He then spoke with the people managing the polls, and it was decided that The Center was the best place for parking, and restroom facilities.

Councilman Howard agreed.

Councilman Wolffe asked where the campaigners would be allowed to stand.

Town Manager West responded it is fifty feet from the polling place and technically, not on public property.

Councilman Wolffe asked if along the front of the Municipal Complex was sufficient.

Mayor Tarr stated whoever sets up the polling place will supply the Council with the criteria.

Councilman Frese moved, seconded by Councilman Howard to accept the ordinance to relocate the polling place for the Town of Chincoteague elections. Unanimously approved.

AN ORDINANCE RELOCATING THE POLLING PLACE FOR TOWN OF CHINCOTEAGUE ELECTIONS

WHEREAS, the current polling place for national, state, county and town elections for the Chincoteague precinct is the Chincoteague Fire House, and

WHEREAS, such polling place has been changed for national, state, and county elections, subject to approval by the Department of Justice under §5 of the *United States Voting Rights Act of 1965*, to the Chincoteague Center at 6155 Community Drive, Chincoteague Island, Virginia; and

WHEREAS, the Town Council is desirous of, likewise, changing the location of such polling place for town elections from the Chincoteague Fire House to the Chincoteague Center so that all elections shall be conducted at one uniform polling place in Chincoteague precinct, Council further finding that the Chincoteague Center is more accessible to the voters, provides better parking facilities, and likewise, is a public building as preferred under §24.2-310.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. That the polling place for Chincoteague precinct be relocated from the Chincoteague Fire House to the Chincoteague Center at 6155 Community Drive, Chincoteague Island, Virginia, subject to the approval of the Department of Justice under §5 of the *United States Voting Rights Acts of 1965*.

- 2. That a copy of this Ordinance be submitted to the Department of Justice for its approval under §5 of the *United States Voting Rights Acts of 1965*.
 - 3. That a copy of this Ordinance be submitted to the Accomack County Electoral Board, the State Board of Elections, and the Division of Legislative Services.
 - 4. That the Town Manager is hereby directed to take all reasonable and necessary steps to effectuate the purpose of this Ordinance.
 - 5. This Ordinance shall be effective upon adoption, subject to the required approval of the Department of Justice.

Ayes: Conklin, Howard, Jester, Frese, Richardson, Wolffe

Nays: NONE	
ADOPTED this 4 th day of June, 2001.	
	John H. Tarr, Mayor

10. Resolution Authorizing Membership in the Virginia Municipal Self-Insurance Association.

Town Manager West informed Council that after much deliberation and review, he felt it was in the Town's best interest to join the VML Insurance programs. He stated it appears the Town will be receiving better coverage at a better cost. He expressed his regrets for having to sever a 15 year relationship with the local insurance agent.

Town Manager West added there are over 400 members in this pool, and this explains why the rates are approximately half of last year's policy.

Vice Mayor Conklin and Councilman Frese expressed their approval with the savings to the Town.

Mayor Tarr added that almost every town in Virginia has taken part in their coverage.

Town Manager West in return added, this company is brokering policies for the Town and he feels it is a good thing.

Councilman Wolffe stated there is so much difference and wants to know if any other locality has been contacted about this program.

Town Manager West responded that he and Mayor Tarr talked with localities at the Virginia Municipal League.

Councilman Howard asked about the figure in the resolution under (b) of payment of \$45,980.

Town Manager West stated the total plus \$100 membership are the annual fees.

Councilman Frese commended Town Manager West for a job well done.

Councilman Wolffe moved, seconded by Councilman Frese to adopt the resolution authorizing membership in the Virginia Municipal Liability Pool. Unanimously approved.

RESOLUTION

AUTHORIZING MEMBERSHIP IN THE VIRGINIA MUNICIPAL LIABILITY POOL

WHEREAS, Town of Chincoteague wishes to join with other political subdivisions to establish the Virginia Municipal Self-Insurance Association ("Association") to create pools to jointly and cooperatively self-insure and to pool the separate risks and liabilities of the individual members pursuant to the terms of Title 15.2, Sections 2700-2709 of the Code of Virginia; and

WHEREAS, through such Association, Town of Chincoteague wishes to join with other political subdivisions to create the Virginia Municipal Liability Pool ("Pool") whereby members can jointly pool funds to provide the necessary anticipated financing for commercial general liability, automobile liability, and automobile physical damage; and

WHEREAS, such Pool is licensed by the Bureau of Insurance of the State Corporation Commission; and

WHEREAS, Town of Chincoteague has been provided with following documents, which provide a prototype of the responsibilities of the members of the Pool and the amount and terms of the coverage to be provided.

- 1. Membership Agreement including the following exhibits:
 - a. Exhibit 1 sample declaration pages and coverage forms.
 - b. Exhibit 2 Virginia Municipal Self-Insurance Association Constitution and By-Laws.

NOW, THEREFORE, BE IT RESOLVED, by **Town of Chincoteague** meeting assembled on the 4th day of June 2001.

Town of Chincoteague certifies its intention to become a member of the Pool beginning July 1, 2001 for the current Pool year and for two additional consecutive Pool years thereafter:

- 2. Such membership is contingent upon:
 - a. Final approval of the Member Agreement and of the membership of Town of Chincoteague by the Association's Members' Supervisory Board, or its designee.
 - b. Payment of \$45,980.00 as well as an additional \$100.00 membership fee to the Pool pursuant to the quotation submitted or such final amount as mutually agreed upon by the member and the Association or their respective designees.
- 3. It is recognized that members of the Pool may be required to pay additional assessments to the Pool and that in the event the Pool is in a deficit position, which is not corrected, a member will be liable for any and all unpaid claims against such member.
- 4. Town Manager James M. West is authorized to do all things necessary to enable Authorized Representative

Town of Chincoteague to become a member of the Association and the Pool including but not limited to execution of the Member agreement.

IN WITNESS WHEREOF, Town of Chincoteague has caused this resolution to be executed in its behalf by its Mayor and attested by the Clerk of Council.

	Mayor John H. Tarr	
Attest:		
James M. West, Town Manager	_	

11. Authorization of Continued Participation in the VACO Health Insurance Program.

Town Manager West explained after reviewing six proposals from three entities he feels it is in the best interest of the Town to remain with VACO/MAMSI. He stated it has been a learning experience and some have the competitive premium but not the same coverage. Town Manager West compiled the comparative information and called an employee meeting. He reported that the employees decided they liked their current coverage even with a 10% increase. The employees were in favor of remaining with the current coverage.

Mayor Tarr reminded Council that the Town pays up to \$265.00 for the individual employee. Because of the out of pocket expense for additional plans he and Town Manager West felt the employees should be able to express their opinion.

Councilman Wolffe asked if there were many employees in the POS plan.

Town Manager West responded there are about 9 employees in the POS plan.

Councilman Wolffe asked how much the co-pay for an office visit is.

Town Manager West responded the co-pay is \$10.00.

Councilman Wolffe also asked how much would it decrease the premium for an employee and spouse to go to the \$20.00 co-pay.

Town Manager West stated that little savings were offered for a change in co-pay. They were more concerned with trying to get the Town involved in a formulary problem.

Councilman Jester asked if the insurance plan was working well with the employees.

Town Manager West responded it has been working well with himself, as he has had health problems in the past. He stated his cardiologist is complaining that the insurance companies are controlling the care and not the physician. He stated that he has not been deprived of anything. He also added that Public Works Director Jeffries has recently been hospitalized. He did not have any problems with insurance. The employees that have had intense experiences such as the premature babies only had out-of-pocket expenses of approximately \$50.00.

Councilman Wolffe added it is a tremendous coverage. He asked how the \$265.00 for the Town's contribution became the figure.

Town Manager West stated it was in effect prior to his employment. He believes that the \$265.00 was the cost to cover an employee and a spouse or family. The Council at that time decided not to increase the amount every year as it went up a little. Mr. West stated it is customary to cover the employee only.

Councilman Wolffe also asked about the employees that have the family plan. He wanted to know if there are employees that are not covering their family because they could not afford the difference out of their check.

Town Manager West responded he feels there's probably 1 or 2.

Councilman Wolffe stated this is a sizeable amount once a month. He asked how long the \$265.00 has been in effect.

Town Manager West stated as long as he has been employed with the Town, over 11 years.

Councilman Wolffe suggested that this should be reviewed for the next budget year. He stated it will not affect the single employee.

Town Manager West responded he feels the employees would like this.

Councilman Wolffe suggested that Budget and Personnel look into this matter for the next budget.

Councilman Howard stated he is in the Town's plan and he pays for the premiums at the group rates. He wanted to know if he should abstain from voting, as it would affect him personally.

Town Manager West suggested he abstain.

Councilwoman Richardson also asked if she should abstain since her husband, a retiree is also in the plan.

Town Manager West stated she should abstain also.

Vice Mayor Conklin moved, seconded by Councilman Jester to authorize continued participation in the VACO Health Insurance Program. Ayes: Vice Mayor Conklin, Councilman Jester, Councilman Frese, and Councilman Wolffe. Nays: None. Abstain: Councilman Howard and Councilwoman Richardson. Motion carried.

12. Decal Exemption for Curtis Merritt Harbor Slip Holders.

Councilman Frese explains that the Committee is attempting to allow the slip holders to launch their boat to put into the slip without having to purchase a town ramp permit. The Council could authorize the Harbor Master to allow the slip holders to launch and retrieve their boat. This does not authorize the slip holders to go to other ramps on the island. It applies to slip holders and all of their fishing vessels. There will be no decal involved and will be authorized by the Harbor Master.

Vice Mayor Conklin asked if this would be at the Harbor only.

Councilman Frese stated it would.

Councilman Howard stated if a slip holder uses the ramp for a recreational boat they will have to obtain a launch permit.

Councilman Wolffe wanted clarification that if the slip holder has a pleasure boat and it is not kept in the slip they will need a launch permit. He also asked if they have a smaller working boat and it is not kept in their slip would they need a permit.

Councilman Frese responded, a separate pleasure boat will require a permit, however a separate smaller working boat would not require a permit.

Councilman Wolffe asked if other working watermen that do not rent a slip have to have a decal.

Councilman Frese stated they would need a decal.

There was discussion about distinguishing between pleasure boats and working boats.

Councilman Frese stated this would be at the discretion of the Harbor Master.

Mayor Tarr reminded Councilman Frese that the Harbor Master is only part-time.

Councilman Frese feels that it should still be at the discretion of the Harbor Master. He added that the Council will not be able to solve all the problems that arise.

Mayor Tarr responded that the Council is responsible for enforcement. The policeman will have no way of knowing who has been given permission and who has not.

Councilman Wolffe asked how the police officers will know who has a slip, and who has a second working boat.

Councilman Frese responded that there are only about 4 or 5 that has dual or smaller boats. They can call the Harbor Master or the Harbor Master could call the police department to let them know who will be launching.

Councilman Howard stated he supports allowing slip holders to launch or retrieve their boats with no decal.

Councilman Wolffe suggested voting to exempt the boats in the slips, and work on the regulations for the additional working boats exemption at a later date.

Councilman Frese responded this was a reasonable request.

Mayor Tarr suggested a different colored decal issued for slip holders.

There was discussion of different colored stickers. There was also discussion of the wording of the exemption.

Vice Mayor Conklin expressed her concern of allowing the slip holders to use the decal at all other slips on the island as opposed to the Harbor only.

Mayor Tarr suggested allowing the slip holders to launch or retrieve their boats at the Harbor only. He also suggested turning the additional working boats matter back over to the Harbor Committee for review with the Police Chief.

Chief Lewis suggested cutting the existing sticker in half with the number showing. This would prove to the officers, that trailers belong to slip holders, and only allow them to be used at the Harbor.

The Council agreed this would solve the problem.

Councilman Wolffe also added to inform the slip holders that the decal is for the boat in the slip and can be revoked if the Harbor Master feels the privilege is being abused.

Councilman Howard moved, seconded by Vice Mayor Conklin once slip rent is received, slip holders will receive ½ boat ramp decal free for use at the Curtis Merritt Harbor only. Unanimously approved.

13. Other Matters.

- Public Works Director Jeffries informed Council the electrical upgrade at the pump houses is in the final stages.
- Town Manager West announced that there will be a public hearing at the next meeting on June 21, 2001 on the Comprehensive Plan.
- Town Manager West asked for permission for use of Memorial Park for outdoor activities the Chamber has planned for the Outdoor Weekend. There will be a kayak race, and other events.

Councilman Wolffe asked who was sponsoring the event.

Town Manager West responded the Chamber of Commerce and Downtown Merchants were sponsoring the weekend event. They feel it will extend the shoulder seasons to benefit the economy.

Councilman Wolffe asked who would accept any responsibility at the Park.

Town Manager West stated the Town would as part of the event.

• Councilman Jester asked if the Fire Company issues a copy of the certificate of insurance for Pony Penning.

Town Manager West responded that he assumes the Town does receive a certificate of insurance from the Fire Company, but will check.

Mayor Tarr informed there will be 2 weekends called the Sportsman or Outdoors Weekends scheduled for September 27th and October 13th, 2001.

- Town Manager West announced VDOT has scheduled a programming meeting, for July 12, 2001.
- Town Manager West stated that because of Mrs. Hipple's efforts, Verizon started refunding charges on billing statements for 911 fees. Island residents have been charged \$1.35 instead of the set 911 tax of \$1.00.
- Councilwoman Richardson commented on how well the newly paved roads look.
- Mayor Tarr announced that the Chincoteague Combined School PTSA has contacted him about a meeting scheduled for June 14, 2001 at 7:00 p.m. This meeting is to prepare for the June 19, 2001 School Board Meeting. He stated the School Board is considering doing away with the attendance policy for out of district children. The Board wants to change the limit from K-12th grade to K-8th grade, which would be a reduction of approximately 40 students in the High School.

He stated the School Board meeting is June 19, 2001 and will accept public comment. Mayor Tarr asked Council to approve a letter of support to be given to the Board at the meeting.

Councilman Wolffe asked that if the Board changes the policy to K-8th grade students only, does this mean once the child is in the 9th grade they will be sent to another school.

Mayor Tarr responded it would.

Councilman Wolffe stated he does not feel it's a good idea.

Mayor Tarr stated he has talked with the School Board Representative for Chincoteague Mr. Travis Thornton and he has suggested different approaches on this matter. The school needs public support and Mayor Tarr asked for Council attendance.

Councilman Wolffe asked if passed would it take effect this fall.

Mayor Tarr responded it could begin in the fall. He stated an avenue would be to request to grandfather those who are currently attending and begin with the new students starting with the 9th grade. Mayor Tarr stated there was no reason given as to why this matter was revisited.

Councilman Wolffe asked if there are any students on the island that are going to school out of the island district.

Mayor Tarr stated he is unsure, however there are some that attend Arcadia's VoTech. He added out of the 80 students there are approximately 40 in K-8th grades and 40 in 9th-

12th grades. This is not something new, this was looked into several years ago and the policy went into effect in 1994.

Councilman Wolffe feels this is a significant issue.

Mayor Tarr agreed and stated if Chincoteague looses the students for the High School then the next step would be Chincoteague does not need a high school.

Councilman Howard asked how Tangier keeps their school with such low registration numbers. He also added they have a new school.

Councilman Wolffe stated that the important thing for Chincoteague is to keep the schools here.

• Vice Mayor Conklin asked Chief Lewis if the problems ceased at Memorial Park.

Chief Lewis responded the Park has been quiet.

• Councilman Jester asked Town Manager West for an update on Deep Hole Road.

Town Manager West responded the utility companies have received their orders as they are currently clearing trees. He feels the prediction date of September is accurate.

- Councilman Wolffe stated he did not request the paving of Teal Lane.
- Councilman Howard asked for an update on Memorial Park problems.

Councilman Wolffe responded there are no problems, and the nets will be replaced.

Councilman Howard stated he has received complaints on the method to diminish the problems at the Park. He expressed his concern for an alternative measure as this may reoccur in the future.

Mayor Tarr explained the removal of the nets was only the first step. He continued that step 2 will be more severe.

• Councilman Howard also expressed concern about deer ticks. He stated this is a serious issue and needs immediate attention. He asked about tick spraying.

Mayor Tarr stated that tick spraying was discontinued last year.

Councilman Wolffe responded that he does not believe spot-spraying for ticks is effective. He has asked Mr. Marshall with mosquito control to research the matter of sprays that are effective not just for spot-spraying.

14. Next Meeting.

Mayor Tarr announced the next meeting of June 21, 2001 at 7:30 p.m. He reminded there will be a public hearing on the Comprehensive Plan.

15. Closed Meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Personnel Matters.

Councilman Frese moved, seconded by Councilman Howard to go into Closed meeting under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Jester to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision s of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

16. Recess of Meeting.

Councilman Jester moved, seconded by Councilman Howard to recess the meeting until June 21, 2001. Unanimously approved.

Mayor	Town Manager

CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor Nancy B. Conklin, Vice Mayor Leonard R. Jester, Councilman James T. Frese, Councilman Terry Howard, Councilman Ellen W. Richardson, Councilwoman Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:38 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Presentation of Certificate of Recognition.

Mayor Tarr informed those attending of the Certificate of Recognition to be presented to Reverend G. C. Shepherd on the occasion of his retirement. He asked Vice Mayor Conklin to read the certificate to the public. Vice Mayor Conklin explained that she would be presenting it to Rev. Shepherd at the Sunday service. She stated he was unable to attend the council meeting as he was out of town at a conference.

5. Consider Request from North Accomack Little League

Mayor Tarr explained the North Accomack Little League had asked for the Town's support as it had in the past. He stated that in the past the Town had donated \$500.00.

Councilwoman Richardson motioned to do the same this year, Councilman Frese seconded, all were in favor. Mayor Tarr asked Mr. West if he would contact Mr. Marty Birch, president of the NALL, to make arrangements for him to attend the July council meeting.

6. Joint Public Hearing to Consider Changes in Zoning Ordinance

Mayor Tarr declared the Public Hearing open at 7:42 p.m. He asked that each person who wished to speak to please raise their hand, approach the podium and for them to state their name. He explained there would be a one time only, 5-minute time period for each person to speak. These rules would also apply to the Planning Commission members. He then asked for the Zoning Administrator to come

forward and present to the Council, Planning Commission and the public the exact zoning ordinance now as it is written and what the proposed changes are.

Mr. Lewis gave an example of the existing zoning ordinance 5.5.1 by showing a drawn diagram. Currently if a non-conforming structure is located 10 feet from the front lot line and the owner wishes to add an addition to the front of their structure, such addition is permitted as long as the addition does not go further into the setback area. The proposed change prohibits any additions to the front of the structure unless the required front yard setback is met. Therefore the new addition would be placed 25 feet from the front line and the existing portion of the structure would be placed 10 feet from said lot line.

Mr. Lewis then advised that under the proposed regulations, if a property owner of a non-conforming structure wished to remove his structure and rebuild, the property owner could do so as long as no additional bulk or square footage was added to that area located within the required front setback line. The property owner could continue the non-conforming line of the house to the required rear yard setback once the required front setback requirement has been met.

Mayor Tarr then asked for anyone from the audience to come forward with their views and concerns.

Mr. Raymond Britton encouraged the Council to approve the proposed change. With the current ordinance, he stated he has a difficult time meeting the needs of his clientele.

Mr. Joe Justice stated that he would like to see the Council approve the change also. He feels he would have more use of his land.

Mr. Mike Doyle stated he felt ordinance 5.5.1 was not clear and that all those involved were misinterpreting what this paragraph was saying. He explained how if a non-conforming structure was on a property, that it was grand-fathered in the existing ordinance setback. He explained further his feelings on why, in the first place, zoning was implemented. He stated that he felt zoning needed to be conservative and that it should be utilized to also protect the neighbors. He asked that the Council please consider the intent, the neighbors and what the properties would look like if the change were to be approved.

Mr. Bryan Hall stated he agreed more verbiage was needed in section 5.5.1 for clarification purposes. He explained further that he felt the owners of the older Chincoteague homes would be penalized with these changes since most of these homes were non-conforming and were on narrow lots. He also said he felt the local people would be affected more by this because the people that move here can afford larger lots and build larger homes. He stated he did not have a problem with the front setback changes, but to please consider these things for future changes.

Mrs. Nancy Porter commended Mr. Lewis, the Police Department and the Council on their performance. She stated she thinks the town is wonderful and asked didn't everyone want to keep it that way. She said she feels there are too many rules and too much government.

Mr. Robert Manoil stated that he supported the change because if something was going to be authorized to be changed after it is built, then you should be able to do it originally.

Mrs. Jane Wolffe stated that she was there as a citizen, not as a member of the Planning Commission. She illustrated a negative example of the proposed change, of which she is against.

Ms. Laura Lintz supported Mrs. Wolffe's opinion. She feels there is a need for individual consideration for everyone. She stated that no one likes zoning and rules, but they are needed to protect values. She also expressed she feels special consideration should be taken in the area of waterfront properties. The same rules should not apply where they are concerned. The neighbor's view from across the street should be preserved. She suggested to the Council to possibly have a task force to take a look at these areas and consider having different zoning rules apply to them. In closing she suggested possibly a percentage of lot coverage could be an alternative to the proposed changes.

Mr. Mike Tolbert stated that he would like to speak as himself and not a Planning Commission member. He said he believed the change is more restrictive that what is currently in place. At this time you can rebuild the structure as it was and then add on later. The problem is you cannot do this simultaneously. He stated that one of his main concerns is for local people to be able to add on to a smaller home to make it livable and more affordable. There are a lot of people moving off the island because they simply cannot afford to live here and build a new home that meets their family's needs.

Mrs. Nancy Payne voiced her concern that the character of the older homes would not be maintained if the proposed changes take place.

Mr. David Ross stated that he felt this had been one of the most difficult areas the Planning Commission had dealt with. He explained that a lot of change had taken place that could be called progress, but maybe it has been too much progress. He stated that under the present regulations, an avenue does exist that allows the same thing the new version does, but is now a two-step process. He feels the proposed changes will greatly influence the neighboring properties. It could also make it difficult for the average young person in Chincoteague to afford the homes in a few years. He stated that he had a problem with progress continuing in this direction and asked the Council if they thought bigger was better. He thinks the character of the smaller homes is being removed too quickly.

Mr. Russell Everett stated how often people that come here say they do not want any change, but everyone has seen changes take place. He said he did not think the decision that the Town made would really make any difference because the Health Department is more restrictive than the Town will ever be. They will not allow this to happen because the lots are too small. He said there were a lot of good arguments on both sides, but they do not mean a thing because you still have to go to Accomac.

Mr. Bob Cherrix, Jr. explained a situation his daughter has at her Anderton Avenue. house. Due to the size of the lot and the way the house is positioned, the proposed setback restriction would not allow her to enlarge. He stated this was one example of a young local person trying to make a home here.

Mrs. Wanda Thornton reiterated on what Mr. Everett had said. She said that septic is a much larger problem. She commented that we have one of the largest concentrations of cesspools in this area.

Mayor Tarr asked for further comments. With none to be heard, he declared the public hearing closed at 8:48 p.m.

Mayor Tarr instructed Mr. Tolbert to have the Planning Commission take action for the proposed changes before recommendation could go to the Council.

The Planning Commission then voted on the proposed changes with the motion being made by Eddie Thornton and seconded by Gladys Baczek. Chairman Tolbert, Eddie Thornton, Gladys Baczek and Harry Harris voted in favor of the change. David Ross and Jane Wolffe voted against the change.

The Mayor then asked if the Council had any questions.

Councilman Jim Frese said he did not have a question, but that he would like to make a statement. Mr. Frese explained that the proposed changes came about as an attempt to resolve the conflict between sections 5.5.1 and 5.7.2. Ordinance 5.5.1 allows a person to expand a non-conforming building further back as long as you did not increase or get closer to the setbacks in the side yard or the rear yard. 5.7.2 states that if the building is destroyed, for whatever reason, you can only replace it back to the existing footprint with the same bulk and square footage. He explained further the conflict this has caused for the person that has had a house destroyed and who would like to expand some at the time of the rebuilding. He stated that he felt the process was senseless that this person has to go through. These houses were built years ago and conformed to what the laws were at that time. Now, the laws have changed and the owners of these homes are penalized for what happened years ago.

Mr. Frese agrees with the change to be made with 5.7.2 and feels it should be done, but he does not feel that 5.5.1 should be changed. He feels there are legitimate reasons why people want to expand their houses.

Councilman Glenn Wolffe stated that he partially agreed with Councilman Frese and partially disagreed with him. He feels there is an extremely tough situation present for people with structures on small non-conforming lots. It is easier for people who have larger conforming lots with non-conforming structures. He stated that he does not support the recommendations that the Planning Commission has presented. He appreciates the efforts of the Planning Commission, but feels that more protection is needed for the property owners that are adjacent to lots with non-conforming structures. He does not believe the owner of a non-conforming structure should be penalized, but neither should they be granted any special exemptions from current zoning regulations.

Councilman Wolffe then discussed a proposal he had to present that covered two major areas of concern. The first area of concern is that homeowners be allowed to fill in a jib. Such an activity would be permitted in this proposal. The second area in the proposal would be to try and remove the two-step process, that being of rebuilding and then having to obtain another permit to make any changes. He completely agrees this is unnecessary and feels it is senseless. He then explained a few diagrams he had drawn showing different situations property owners face. He strongly expressed his concern for the neighboring property owners. He feels they should at least be able to come before the BZA and voice their concerns about what is built beside them and how it will effect their property.

At this time he asked if the Council should have a motion to vote on the proposed changes that came forth first or if he should go ahead and present his proposal. Mayor Tarr stated that he could go ahead with his proposal, but first wanted to ask for any further comments.

Vice Mayor Conklin asked Mr. Lewis to please comment on the section of the proposal concerning the continuance of the jibs on houses. He stated that in the proposed change the owner could continue the jib along the houseline to the rear setback line.

Councilman Frese stated that he thought the illustration that Councilman Wolffe gave was a legitimate point, but was probably a worse case scenario.

Mayor Tarr then asked Mr. Lewis to explain Section 5.6 concerning nonconforming lots. He explained that in the current ordinance the requirements are an average setback distance of the adjoining properties.

A brief discussion followed reviewing each of these sections.

Councilman Leonard Jester stated that the current ordinance had been in existence for over 15 years and has not been a problem and he does not feel that it will become a problem. He does not feel that it has been taken advantage enough to have to be changed.

Councilman Terry Howard then asked Councilman Wolffe for some clarification on his proposal. He stated that one of the main concerns the Ordinance Committee had was the 2-step process. Councilman Wolffe stated this would be addressed in his proposal as well as being able to fill in a jib in a non-conforming area. He also stated that the person who had lost his house due to disaster would have the same rights as the person who had bought a house on a non-conforming lot. Councilman Howard stated he definitely felt the neighbors should have a say in what is built next door to them.

Councilman Frese motioned to accept the recommendation that had been presented by the Planning Commission and Councilman Jester seconded. The Mayor and the Council voted 4 to 3 to not accept the proposed ordinance changes. Councilman Frese, Councilman Jester and Councilwoman Richardson voted in favor. Councilman Howard, Councilman Wolffe, and Vice Mayor Conklin voted not in favor. Mayor Tarr was the deciding vote and voted not in favor.

Mayor Tarr, at this time, commented on what the major concerns of the Planning Commission had been when these changes originated. The first concern was allowing a jib to be filled in. The second was allowing this to happen to an existing building or to a new one. He felt these had been put on the back burner when all the other issues had surfaced in the discussions. He stated that he has no problem with filling in footprint, be it jibs or whatever and he has no problem with the 3-story section, but he stated he does have a problem with encroaching on a property that is a non-conforming issue.

Some discussion followed between Councilman Frese and Councilman Wolffe concerning 3-story buildings. These are allowed as long as they are built within the current setbacks.

At this time Councilman Wolffe presented a proposal for consideration by Council.

Councilman Wolffe stated that he felt his proposal should be brought to a public hearing. He made a motion at this time that it be advertised and carried forward to a public hearing. Councilman Howard seconded the motion. A vote was then taken. Councilman Wolffe, Vice Mayor Conklin and Councilman Howard voted aye. Councilman Jester, Councilman Frese, Councilwoman Richardson and Mayor Tarr voted nay. The changes were tabled for proposals at the next meeting.

7. Public Hearing to Consider Comprehensive Plan

Mayor Tarr declared the Public Hearing open on the Comprehensive Plan at 9:55 p.m. and asked if anyone from the audience would like to come forward to comment.

Therese Hamilton, director of the Chincoteague Center, came forward at this time. She presented a paragraph to be considered for insertion in the Recreational Facilities section on pages 23 and 24. She stated that several things had changed since the Plan was printed. She explained there had been an increase in use for promotions and activities involving the youth in the area and gave figures reflecting these changes.

Wanda Thornton approached the podium next. She expressed her thanks to the Planning Commission for all of the hard work they do for the community. She then pointed out some areas in the Comprehensive Plan she felt needed to be updated. She read a section in the proposed plan on page 60 concerning zoning and subdivision oridinances and then moved on to page 64 that refers to Future Community Development. She feels this page is inconsistent with what is actually happening noting that it refers back to the 1969 zoning. She then referred to page 66 and pointed out in the second paragraph an area that is stated as being residential when it is commercial. On page 67, section 5, it states that an area along East Side Dr. should continue to be developed for commercial purposes. She commented that she felt this was not feasible. Next she discussed the Future Land Use Map and pointed out that if this was allowed to happen it would be a massive down-zoning of commercial property on the island. She feels this is something that needs to be carefully looked into.

Mayor Tarr then asked for any further comments. Someone in the audience asked to see the Comprehensive Plan. Mayor Tarr explained that it was available to the public at the Town Office. With no further comments, Mayor Tarr closed the Public Hearing on the Comprehensive Plan at 10:12 p.m.

Mayor Tarr asked for any comments from the Council. Councilman Howard asked for more time to review the Comprehensive Plan. He feels that the items that Ms. Hamilton and Supervisor Thornton had pointed out needed to be reviewed further. It was recommended that all edits to the Plan be reviewed at the August recessed meeting.

8. Consider Change in Article III, Excessive Noise, of Chapter 12 of the Town Code

Councilman Frese reviewed the suggested changes that were discussed last fall in meetings held by the Ordinance Committee regarding the Town's noise ordinance. The areas of concern brought forth by the public included the time period in which the excessive noise may occur and the decibel level. It was recommended at that time to monitor the situation until this spring before a decision was made. Mr. Frese stated that he had checked with the Police Department and they have had no complaints. Since there have been no problems, the Ordinance Committee voted to recommend that the hours be moved to 12 midnight as opposed to 10:00 p.m. as this would allow the people to enjoy the evening entertainment. It was recommend to leave the decibel level the same.

Mayor Tarr asked for a motion to vote on this change. Councilman Howard motioned, Councilman Frese seconded and the Council approved unanimously to make the change.

9. Consider Adoption of State Criminal and Vehicle Codes
Annually, the Council considers the re-adoption of Title 46.2 and Title 18.2 of the
Code of Virginia. This practice allows all changes and updates in the State code
relevant to crimes and traffic violations to be enforces by our Police Department.

Sec. 11-1. Adoption of state law; and repeal of current provisions.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the Commonwealth contained in Title 46.2 and in Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia in effect July 1, 2001, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or under Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia. (Readopted 9-6-88, 7-3-89, 4-10-90, 6-3-91, 6-1-92, 7-6-93, 6-6-94, 6-5-95, 6-3-96, 7-7-97, 6-18-98, 7-6-99, 7-3-00, 6-21-01).

The provisions hereof, as readopted shall be effective as of 12:01 a.m. July 1, 2001. As of the effective date hereof, said readoption shall replace said Section 11-1 as same may now exist prior to the effective date of said readoption, provided that such repeal shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, suit or action pending on that day, except as

herein otherwise provided, neither the repeal of Section 11-1 nor the enactment of this readoption shall apply to offenses committed prior to the effective date hereof, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.

Motion to re-adopt was made by Councilman Howard, seconded by Councilman Wolffe and was unanimously approved by Council.

10. Consider Change in Fines for Traffic Violations

Chief Lewis explained that a recommendation had been made to the Ordinance Committee for an adjustment in fines for vehicle violations including improper parking. Many fines were established decades ago. The Committee concurred with the Chief's recommendation and would like the Council to consider changing the fines.

Some discussion followed concerning what could be adopted that was within State Code.

Councilman Howard suggested, in the section concerning handicapped parking violations, that a minimum of the established State range between \$100 and \$500 be taken. He feels this sufficient enough.

Councilman Frese voiced his concern for the section in the ordinance that states imprisonment for illegal parking. He does not feel this should be one of the penalties. Councilman Howard agreed with this.

Town Manager West stated this section was not something created by the staff, that it is a reflection of the State Code. Only the fines had been adjusted, the imprisonment section had not just been added, it has always been there.

A motion was made by Councilman Wolffe to adopt the fine recommendations. Vice Mayor Conklin seconded the motion, Council approved unanimously.

11. Proposal to Change Lane Marking at Bridge St. & Main St. Intersection

Councilman Jester explained several problems and accidents that have occurred at the stop light in town. These have mostly involved large vehicles trying to make a right turn from the extreme right lane and becoming entangled with the pole on the corner. He stated that several proposals were given to VDOT. They accepted one of them which entails putting makers on the right hand lane so that lane cannot be used to make right turns and widening the existing left lane to provide one lane for use in turning either way. Mayor Tarr stated it was the recommendation of the Public Works Committee to try this.

Councilman Wolffe motioned to accept this proposal, Vice Mayor Conklin seconded the motion, Council agreed unanimously.

12. Consider Employee Cost of Living Adjustment

Town Manager West explained that each year the Budget and Personnel Committee is asked to consider a cost of living adjustment for the employees. This year he stated he had presented them with economic indicators that showed a 3.7% increase in the cost of living. He explained that in addition to this, health insurance had increased approximately 10%. The employees with families had taken on this added cost. The Town had absorbed the cost increase for single employees.

In consideration of these 2 factors he asked the Budget & Personnel Committee if they would be willing to recommend the cost of living increase to the Council and what that might be. He said they immediately felt compelled to try to approach the 3.7%, but that a 3.5% increase was poplar among the committee. Mr. West then explained that only a 2.5% increase had been built in the budget for this year. He said a figure was discussed between 2.5 and 3.5 and that he was asked to try and find the money in the budget to make up this, that would mean trimming from another area. He stated that at this time he had not found a way. He said that since the 2.5% had been built in the budget that maybe the Council could accept this and at a later date, if other funds were discovered, another increase could be considered.

Mayor Tarr asked for any comments. Councilman Jester stated he felt that since the 2.5% increase was figured into the budget, that is what should be used. Councilman Wolffe stated he agreed with Councilman Jester. He explained further that the Budget & Personnel Committee was working on a plan where in the future the cost of living for that year would be reviewed before the budget was figured. This way they would be better prepared to arrive at a figure that would be more consistent with what the cost of living had been. Councilman Wolffe also stated that he felt it was unfair that the budget wasn't prepared this year to cover the cost increase the employees are faced with.

A motion was made by Vice Mayor Conklin to accept the 2.5% increase. Councilman Jester seconded the motion and Council approved unanimously.

13. Consider Adding a Position in the Police Department

Vice Mayor Conklin stated the Budget & Personnel Committee had considered a request from Chief Lewis to add the position of Lieutenant to the Police Department. At this time she asked Chief Lewis to speak on this. Mr. Lewis explained that the new position would be filled from within the current Department staff and that the overall staffing would not increase.

Councilman Wolffe motioned to accept, seconded by Councilman Frese, Council approved unanimously.

14. Consider the Purchase of a Pickup Truck for Public Works

Mr. West explained that \$12,000 was budgeted for the purchase of a new pickup truck in the current fiscal. The State contract offered two possibilities at \$15,955 and \$17,783, but at the time of this meeting they were no longer available. Prices had been checked with 3 local dealers. Two of which quoted prices \$3 above the State prices. He stated he had a third call in for a quote, but had not received an amount back before the meeting. He requested that Council consider purchasing the lowest price offered. Some discussion followed over the need for another truck. Mr. West explained that one would be in need of replacement within 6 months to a year. It was discussed that one truck must be sold.

Councilman Howard motioned for the Council to approve the purchase of the truck based on the information Mr. West had given them. Councilman Wolffe seconded the motion and Council agreed unanimously.

15. Other Matters

- Mayor Tarr announced that a fax had been received today from Mrs. Thornton, Chairman of the Board of Supervisors, that reflected the 2001 final enhancement project allocations. It stated the Town had received two grants it had applied for. \$501,000 had been granted for the downtown project and \$38,000 had been granted for phase two of the bicycle trail to Assateague. He commended Supervisor Thornton for all of her help in these endeavors. He also extended thanks to the Downtown Revitalization Committee and all others involved.
- Mayor Tarr then discussed a letter he had received from the Commonwealth of Virginia concerning a boating infrastructure grant the Town is anticipating receiving. The letter stated that the grant application was being reviewed. The amount that had been applied for was \$100,000 and would be used in conjunction with the downtown revitalization plans to provide boat slips for transient boaters.
- Councilman Howard extended thanks to Supervisor Thornton and also to Mr. Bill Prettyman of the Commonwealth Transportation Board for all of their efforts in conjunction with the Downtown Revitalization grants.
- Mr. Russell Everett asked that the Mayor or someone on the Council do a review of the electrical line grid system. He feels Conectiv should provide some sort of system to prevent jeopardizing multiple streets being without power in the event of an accident at a given locality.
- Town Manager West discussed a matter concerning the year round residents in Inlet View Campground. A number of 418 had been given at the time the census was conducted. It has since been confirmed there are no year round residents according to Mr. Eddie Tull the owner of the campground. He has written a letter to the Redistricting Committee and the Board of Supervisors stating this. Mr. West asked the Mayor and Council to approve sending a letter to the Board also attesting to this. Council concurred.
- Mr. West then discussed a problem Mrs. Helen Merritt is facing with a road right of way in the Misty Meadows development. He stated that she had been informed by Mr. Lewis previously that she would need legal council to create a property line for the property in question. He also stated there was documentation that the property in question was not conveyed as a road to the state or county.

Some discussion followed concerning what steps Mrs. Merritt could take to resolve this. It was recommended that she be contacted and explained these options.

- Councilman Richardson addressed Chief Lewis concerning bicycles on Maddox Blvd. Bikers are not allowed to ride in the area from Main St. to Deep Hole Rd., but there have been complaints of this taking place. She asked the Police Dept. to monitor this more and possibly pass out warnings. She also stated a discussion she had with a resident of Ocean Breeze concerning the potholes on the main road into that subdivision. The resident feels the Town should help maintain the main road from Ridge Road through the park out to Main Street because it is used quite often by the public as another outlet to Main Street. It was discussed that it could not be done for one private road without being done for all the others.
- Councilman Wolffe announced that the Mosquito Control would be meeting Monday June 25th at 5:30 p.m. in the council room. He stated there had been some questions concerning ticks and if there was anything the Town could do. This would be discussed at that meeting. He also announced news he had received of a potential dialysis center opening in the T's Corner area.
- Councilman Howard addressed Chief Lewis asking if the problems at Memorial Park had improved. Chief Lewis stated the problems were not solved, but have improved. Increased patrolling is taking place and will continue.

16. Adjournment

Mayor Tarr asked for any further comments. With none to be made, Councilman Frese motioned to adjourn, Councilman Jester seconded, all were in favor.

Mayor Tarr announced the meeting adjourned and the next meeting would be July 2, 2001 at 7:30 p.m.

MINUTES OF THE JULY 2, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:38 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes of the June 4th Council Meeting.

Councilman Howard moved, seconded by Councilman Frese to approve the minutes of the June 4, 2001 Council meeting, as presented. Unanimously approved.

5. Council Information Items.

Councilman Howard asked for the status of the Parks Estate.

Building and Zoning Administrator Lewis responded that a certified letter was sent to Mr. Parks and his daughter.

6. Committee Reports

- Councilman Jester reported that the Public Works Committee held a meeting on June 28, 2001. There have been complaints about shrubs and trees, which will be addressed. He reported the restoration of the Town Dock has been completed. The striping will be completed soon for both the Town Dock and the RT 175 intersection.
- Councilman Wolffe reported that the Mosquito Control Committee met on June 25, 2001. He stated there was discussion on aerial spraying and ticks. He also added they are looking into a way to spray widespread for ticks. Councilman Wolffe informed the Council that on June 25, 2001 the Health Department reported three sample pools of mosquitoes on the Island tested positive for the virus that causes Eastern Equine Encephalitis (EEE). He explained the sampling and testing methods. There were 800 mosquitoes caught in a single trap and separated according to species and tested. He informed Council that it only takes one mosquito to have the virus for the pool to test positive. Once notified by the Health Department, Town Manager West, Public Works Director Jeffries and Councilman Wolffe met with Health Department officials.

Councilman Wolffe stated there is no old data with which to compare the new test results. There has been no test for EEE in the last 20 years. He stated there is no eminent health risk for citizens or visitors to the Island. He suggested to use appropriate clothing and repellant. Councilman Wolffe also informed that on June 27th there was an aerial spraying. Prior to the aerial spraying there was another capture and testing and that pool tested negative for Eastern Equine Encephalitis. According to Mr. Bill Hall with the Health Department, there will

be another sampling Monday, July 9th, 2001. Councilman Wolffe stated this matter has been taken seriously. He added there has been no confirmation or suspicion of the virus in horses or humans in this community.

7. Presentation of Donation to Little League.

Mayor Tarr invited North Accomack Little League President, Marty Birch to come before the Council to receive a donation, and give an update on the accomplishments for the year.

Mr. Birch introduced himself, and stated that the League has opened two new fields. He stated that with donations, fund-raisers and support, the League was able to build the fields. He explained that work will resume to finish the fields after baseball season is complete. Mr. Birch thanked the Town and the citizens for their support.

Mayor Tarr presented Mr. Birch with a donation in the amount of \$500.00 to North Accomack Little League.

8. Public Participation.

Mayor Tarr invited public participation.

• Mrs. Kim Godwin explained she had recently opened a new beauty salon called Just for You. She stated that the massage therapist she hired has withdrawn, and she has another person with massage training in mind. She added that the new person is qualified to be a body practitioner. Mrs. Godwin informed Council this person has 250 hours of training.

Mrs. Godwin stated she receives calls every day for massages as there is a large demand for this service. She asked Council to consider allowing this individual to work as a body practitioner or massage practitioner. She said that in some places the requirements are only 250 hours. Mrs. Godwin added the proposed body practitioner is in the process of getting more training, and by the time she builds her clientele she will have the 500 required hours of training.

Mrs. Louise Pullen stated she is from Connecticut, and vacations here. She expressed her personal need for massage therapy. She stated this is a typical vacation service. She added she contacted Mrs. Godwin, and expressed her need for a massage every time she comes to the Island as it would make her vacation complete.

Mrs. Jeanette Leas introduced herself and explained her training and certification. She has 300 hours of training, and by the end of the summer will have 325 hours. She is not asking for a business license but would like to assist the Council in rewriting the ordinance so it will be acceptable for everyone. She requested the ordinance change from a requirement of 500 hours of training to 300 hours of training. She gave statistics of massage therapy and offered her assistance to the Council.

Councilman Wolffe stated that a licensed massage therapist can now practice within the Town. He also added to become a licensed massage therapist there is a requirement of 500 hours of training. He reminded her that she is still a student, and asked if she is authorized to practice without supervision. He also asked if she would be logging the practice and reporting them as a student. Councilman Wolffe wanted to know where the Town draws the line for the requirements of training.

Mrs. Godwin responded that the State Board of Nursing allows the practice after 250 hours of training. They cannot call themselves a massage therapist. They can be called a body practitioner and may or may not charge. She added that the 500 hours stems from the old documents of massage parlors.

Councilman Wolffe responded that the 500 hours is for a massage therapist from the State Board for certification.

Mrs. Godwin stated at 250 hours they are allowed to work as a body practitioner without supervision.

Town Attorney Poulson asked if she is making progress toward the massage therapist designation.

Mrs. Leas responded this is a personal goal if she wants to be called a massage therapist.

Town Attorney Poulson stated to practice massage therapy the 500 hours is the designation.

Councilman Wolffe also asked if the original 250 hours of training was essentially the basic science of massage. He also asked what protects the customer from obtaining a service from someone who is not fully qualified. He stated that ordinances are not changed for one individual.

Mrs. Leas responded that she is limited to what she is allowed to do in the scope of practice.

Councilman Wolffe asked if there was anything that protects consumers if the Town allows licensing with a lesser degree of certification.

Mrs. Leas responded that she has a medical and health questionnaire, and malpractice insurance that protects the consumer.

Councilman Wolffe stated this is not the protection he is referring to. He asked about the protection of someone who is getting a service from someone who is not qualified to give the service.

Vice Mayor Conklin asked if this was her part-time job.

Mrs. Leas responded she has a full-time job as an engineer at NASA.

Councilman Howard asked for the estimated time of completion of the 500 hours of training.

Mrs. Leas estimates the completion in the spring of 2002.

Councilman Frese feels an important factor is being overlooked. He stated the 250 hours are a minimum standard that must be obtained prior to a person taking a board certification test. He added that the Town would be doing a disservice to the Board of Nursing who sets the standards and administers the test. He stated it is the Council's responsibility to rely on the knowledge of the Board of Nursing.

Town Attorney Poulson asked if the Board of Nursing gives any designation officially at the point of 250 hours of training.

Mrs. Leas responded the Board gives the title of body practitioner.

Mrs. Godwin also added another title is massage practitioner, and they are allowed to work with 250 hours without supervision as they have completed the basic courses.

Town Attorney Poulson asked who teaches the courses.

Mrs. Leas responded Fuller School of Massage. She also brought several city and town ordinances on massage therapy.

Councilman Howard asked what her title would be now in another town or city.

Mrs. Leas responded that in Gloucester she would be considered a certified massage therapist with 200 hours.

Mrs. Godwin reminded Council she is legally a body practitioner or a massage practitioner by the State Board of Nursing. She cannot call herself a massage therapist. She stated that by these terms the customers will automatically know what her limits are.

Town Attorney Poulson asked if there were any designations other than the 250 hours and 500 hours, are there any between or lesser.

Mrs. Leas stated there were none. She added, with the 250 hours she has the instruction she needs.

Town Attorney Poulson asked if the 250 are classroom hours.

Mrs. Leas stated they were classroom hours.

Councilman Howard asked if the additional 250 hours were techniques of therapy.

Mrs. Leas responded that it can be whatever she wanted it to be, such as sports injury therapy, and aroma therapy and many others.

Councilman Wolffe asked how most people get from 250 to 500 hours, and the only way to get to the 500 hours are instructional.

Mrs. Leas stated this was correct. She also stated that by working now it would add to her experience, however, it will not go toward the 500 hours goal. She thanked Council for their time.

9. Discuss Proposals for Change of 5.5.1 and 5.7.1 of the Town Zoning Ordinance.

Mayor Tarr explained that if a stricter policy is proposed it would have to go to another public hearing.

Councilman Frese suggested to add to Section 5.7.2: "Destroyed or damaged does not apply to Section 5.5.1 or 5.5.2".

Mayor Tarr explained his proposal. Allowing jibs to be filled on a nonconforming lot, and any surrounding areas that have already been built on. He also added, not allowing further encroachment into the setback unless the current zoning is met.

Building and Zoning Administrator Lewis read the actual recommended wording: Delete Sections 5.5.1 and 5.5.2 and replace them with the following wording – "Additions to the area of a nonconforming structure that meet current zoning regulations are permitted. Additions to the area of a nonconforming structure that do not meet current zoning regulations are permitted provided the addition does not encroach further into the required setback and does not extend beyond the outermost plane of the existing structure".

Delete Section 5.7.2 and amend Section 5.7.1 to read as follows: "If a nonconforming structure or activity is destroyed or damaged in any manner it shall be restored only if no additional bulk or square footage is added to the area of the structure that falls inside the current setback requirement except as outlined in Section 5.5".

Building and Zoning Administrator Lewis illustrated and explained the proposed changes.

Mayor Tarr asked for discussion at this time.

Councilman Frese stated this limits the right to expand.

Vice Mayor Conklin asked Mr. Mike Tolbert, Planning Commission Chairman for his comments on the issue.

Mr. Tolbert asked for more time to review the proposal before he commented.

Councilman Howard expressed his concern for the rights of the property owners that are grand-fathered.

Vice Mayor Conklin stated the grand-fathered structures are the existing nonconforming buildings. The additions should conform to the setbacks. She agrees that they should be able to add-on including the height. However, she does not think they should be able to continue in a nonconforming way.

There was discussion of what grand-fathered means.

Vice Mayor Conklin explained that with a nonconforming lot, the addition can continue in the same nonconforming line.

Councilman Howard asked if currently, an addition could continue to the 25 feet rear setback.

Mayor Tarr stated that Council has to listen to public input, and make a decision at that time. The ordinance can be changed or left as it is currently written. He was concerned that the height cannot be increased, under the current ordinance.

Councilman Frese informed Mayor Tarr that the height requirements have been changed to extend 36 feet above or 3 stories above flood level.

Building and Zoning Administrator Lewis stated with a current standing house this is correct.

Councilman Frese added that with state law, you cannot allow one man to build 36 feet in height and not allow another.

Councilman Wolffe believes the proposal is a compromise, and would have minimal impact on the adjoining property owners. Councilman Wolffe also believes to leave Section 5.5.1 as it currently is will allow a much larger structure, which could negatively impact the neighbor. He also suggested for those who request to continue the nonconformity to ask the BZA. This gives the neighbor input. He feels this gives some freedom, and does not allow a major change in the structure, which could cause a negative impact on neighboring properties. He also added there is no perfect ordinance, and feels this would accommodate all interested parties.

Town Attorney Poulson interjected that any time anyone wants to add to a building in a non-conforming manner, a variance is required. He further stated that variances should be unusual. He stated that a variance is a demonstrated hardship that you have not brought upon yourself.

Mayor Tarr agreed that a variance is a hardship, however if there is a disagreement with the interpretation you can appeal.

Councilman Howard clarified the current procedures.

Mayor Tarr stated that the Planning Commission's recommendation didn't want any additional bulk until the 25 feet front yard setback was met.

Councilman Frese asked if jibs could be filled in.

Building and Zoning Administrator Lewis responded that jibs could currently be filled in.

Councilman Frese also addressed his concern of the negative impact on neighbors. He stated that the neighbors already have the right to object or support a change in structure.

Mayor Tarr stated there would not be an appeal if everything was fine. You can only appeal a decision if the person does not fall within the current zoning ordinances.

Councilman Frese stated this does not give the neighbors anything except more rules and regulations and a lack of freedom to continue building, which he already has and the Council is going to take away.

Councilman Wolffe responded that when you change zoning you are adding or taking away rights.

Councilman Frese stated there would be freedom to make the change, but he does not feel there is any additional freedom.

Councilman Wolffe stated if a building permit is issued and the structure falls within the current zoning regulations, the neighbor has no freedom to oppose. He feels the idea is to protect the neighbor from major changes on the property and require the applicant to go to the BZA for approval.

Building and Zoning Administrator Lewis believes those who work under Section 5.5.1 will loose something, and those who work under Section 5.7.1 will gain a lot.

Town Attorney Poulson stated that limited expansion on a nonconforming lot is the foundation of zoning.

Councilman Frese asked how many Chincoteague homes have expanded to the rear setback.

Building and Zoning Administrator Lewis responded approximately 10%.

Councilman Wolffe feels the availability of property is low, and the new septic regulations limit what people can do. He expressed the need to zone into the future. He requested to allow a limited modification and anything further refer to the BZA.

Councilman Wolffe moved, seconded by Councilman Jester to go to public hearing. Ayes: Conklin, Wolffe, Jester. Nays: Howard, Frese. Abstain: Richardson Motion carried.

10. Other Matters.

- Councilman Wolffe asked if the Budget and Personnel Committee meeting could be rescheduled for July 10th, 2001 at 5:30 p.m. The Committee agreed to reschedule.
- Mayor Tarr announced the Town was unsuccessful in securing the grant from the Department of Conservation and Recreation in the amount of \$125,000. He also stated the Town was denied the Trail Fund Grant. However, the Town was successful in securing the Department of Housing and Community Development Block Grant in the amount of \$750,000.
- Town Manager West recognized the efforts of Paramedics Brian Rush and Chris Barrs for their participation with the Water Rescue Operation with the U. S. Coast Guard and the Country of Estomia.
- Town Manager West thanked Councilman Wolffe for the donation of display documents, which included the Declaration of Independence, the Bill of Rights, and the Constitution that were on display in the Council room.

11. Next Meeting.

Mayor Tarr announced the next meeting of August 6, 2001, at 7:30 p.m.

12. Closed Meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Personnel Matters.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Jester moved, seconded by Vice Mayor Conklin to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Vice Mayor Conklin to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester Richardson, and Wolffe

Nays - NONE Absent - NONE

13. Clarification from Public Participation.

Town Manager West asked if Council wished to consider changes in the ordinance governing massage as requested in public participation.

Town Attorney Poulson responded the requests will bring the proposals to the office.

Mayor Tarr asked that Town Manager West distribute the proposals as they are submitted.

14. Ajdournment.

Councilman Frese moved, seconded by Councilwoman Richardson to adjourn the meeting until August 6, 2001. Unanimously approved.

Mayor	Town Manager

MINUTES OF THE AUGUST 6, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:34 p.m.

2. Invocation.

Councilman Jester offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of Minutes of the June 21, 2001 and July 2, 2001 Meetings.

Councilman Frese stated that in the minutes for July 2, 2001 at the end of item 9, "- 15%" should be deleted.

Councilman Jester moved, seconded by Councilman Howard to approve the minutes of the June 21, 2001 and July 2, 2001 Council Meetings as corrected. Unanimously approved.

5. Information Items.

Councilman Howard asked if the Redistricting Committee responded to the Town's letter regarding population at Inlet View. Town Manager West stated they took it into consideration.

Vice Mayor Conklin complimented Mrs. Hipple's efforts in the collection of \$4,400.00 in taxes from Verizon.

Councilman Jester asked about the draft plans for the new bridge.

Town Manager West stated they offered the Town's assistance to VDOT to research every possibility to plan the best intersection possible. He feels that VDOT has not taken interest in the landscaping or signage of the intersection and has not explored all options.

Mayor Tarr stated the Town would like to send a letter to VDOT asking for aesthetics and gateway, such as railings, landscaping, and lightings and to be further included in the design process.

Councilman Howard also asked about the \$53,000 dollars the Town received from VDOT. Mr. West responded that the money was to reimburse the Town for the pavement of Hallie Whealton Smith Drive.

Mayor Tarr responded to Councilman Frese's question regarding a traffic light at the intersection that it was left out of the preliminary drawings.

6. Committee Reports.

 Town Manager West reported that the Bicycling Advisory Committee has finalized the revised Bicycle Plan and would like to submit it to Council for review.

Mayor Tarr asked Town Attorney Poulson if a public hearing would be necessary to add the Bicycle Plan to the Comprehensive Plan.

Town Attorney Poulson was unsure.

- Vice Mayor Conklin updated Council on the Budget and Personnel Committee meeting. She stated there was discussion about the Health Insurance Plan and the Water Bond.
- Councilman Wolffe reported on the Mosquito Control Committee meeting held July 9, 2001. They spoke with the Fire Company asking them to report any deaths of the ponies on Assateague. There have been no reports to date. He also added that there has been a retest of the pool that tested positive for the Eastern Equine Encephalitis, and the results were negative. According to Mr. Hall with the Health Department there has been no confirmation of the positive test from the Center for Disease Control. Councilman Wolffe suggested to send a letter of thanks to Mr. Hall for his assistance.

Mayor Tarr added that the Town of Wachapreague has purchased larvacide blocks and has been giving them to people to place in their back yard if needed. He suggested the Mosquito Control Committee look into this matter.

Councilman Howard asked if there was a test performed the 9th of July.

Councilman Wolffe responded there was a single pool test done.

7. Public Hearing: Amendment of 5.5.1 and 5.7.1 of the Town Zoning Ordinance.

Mayor Tarr opened the public hearing at 7:50 p.m.

Building and Zoning Administrator Lewis read and explained the proposed amendments.

(1) Delete Sections 5.5.1 and 5.5.2 and replace with 5.5:
Additions to the area of a nonconforming structure that meet current zoning regulations are permitted. Additions to the area of a nonconforming structure that do not meet current zoning regulations are permitted provided the addition does not encroach further into the required setback and does not extend beyond the outermost plane of the existing structure.

- (2) Delete Section 5.7.2 and amend Section 5.7.1 as follows:
 If a nonconforming structure or activity is destroyed or damaged in any manner it shall be restored only if no additional bulk or square footage is added to the area of the structure that falls inside the current setback requirement except as outlined in Section 5.5.
- Mr. Mike Doyle supports the compromised proposal to the Zoning Ordinance. He feels it's up to zoning to control the growth on the Island.
- Mr. Russ Porter wanted clarification of building an addition on a house. We are unable to continue to build on the side that is nonconforming. However, we can build on to the side that is conforming as long as the addition continues to be conforming. Building and Zoning Administrator Lewis stated this was correct.
- Mr. Brian Hall asked the Council to consider the long-term affects the change could cause the community. He would not like to see the older downtown homes abandoned because zoning is too restrictive.

Mayor Tarr closed the public hearing at 8:03 p.m.

- Councilman Frese asked about bulk referring to volume and if it should be left in the amendment. Building and Zoning Administrator Lewis responded that it does not make any difference either way.
- Councilman Jester stated he spoke with Building and Zoning Administrator Lewis about the same issue, and feels it should be taken out. He would like to have the changes very specific to avoid confusion.
- Councilman Howard would also like clarification. He expressed his concern for the young people leaving the Island because of restrictions. Building and Zoning Administrator Lewis stated that Section 5.5.1 is more restrictive and Section 5.7.1 is less restrictive.
- Councilman Howard asked if the home owner has the right to go before the BZA to ask for a variance. Town Attorney Poulson interjected that if someone is asking for a variance they are required to demonstrate a hardship.
- Councilman Wolffe explained the reasons and rights for a request for a variance. He agrees with Mr. Doyle and Councilman Jester to add the language to clarify the additions to the ordinance to avoid confusion.
- Town Attorney Poulson feels Section 5.5 is very clear pertaining to jibs. He gave corrections to Section 5.7.1:

(2) Section 5.7.1:

If a nonconforming structure or activity is destroyed or damaged in any manner it shall may be restored only if no additional bulk or square footage is added to the area of the structure that falls inside the current setback requirements except as outlined in Section 5.5 and may at such time be extended as provided in Section 5.5.

- Councilman Frese added once again his concern for confusion between bulk and volume pertaining to the height.
- Town Attorney Poulson suggested to add the following to the end of Section 5.5:

Such additions shall conform with the height requirement for the district.

- Councilman Frese expressed his concerns about additional costs and taking rights away from the people.
- Vice Mayor Conklin asked about grandfathered houses. Building and Zoning Administrator Lewis responded that they are still regulated however, no rights are removed from grandfathered properties.
- Councilman Howard feels the rights are being taken away from the grandfathered property owners.
- Councilman Jester explained that grandfathering means to stay "as is", and doesn't restrict their rights.
- Councilman Howard felt that the proposed verbiage would allow someone to fill in one jib and then fill in another as many times as they would like and expand a structure accordingly.

Councilman Wolffe moved, seconded by Councilman Jester to accept the changes as corrected. Ayes: Jester, Wolffe, Conklin, Tarr. Nays: Howard, Frese, Richardson. Motion carried.

8. Public Participation.

 Mrs. Lois Kelso expressed her dislike for the causeway signs. She reminded Council, the signs are on state property paid for by the taxpayer. She asked if the Town or individual Council Members were benefiting financially from Eastern Advertising. She also asked if any Council Member had an interest in any business on the causeway.

Mayor Tarr told Mrs. Kelso she would receive answers to her questions.

• Mrs. Jane Wolffe asked about advertising of the public hearing. She did not see it in the newspapers.

Councilman Jester responded it was currently in the Eastern Shore News.

Mrs. Wolffe requested that the advertisements should be placed in the Beacon also.

Councilman Wolffe stated the matter would be checked into.

• Mrs. Ruth Patzig expressed her concern about the mosquito tide, and wants to know what can be done.

Councilman Wolffe responded the aerial fogging did not cover the peak hatching. He stated they are planning to reschedule another flight soon.

Councilman Howard remarked about the massive hatching of mosquitoes.

- Mrs. Porter added that a drought cuts back on mosquitoes and standing water breed mosquitoes. She suggested educating the citizens on mosquito control. She complimented the Town's efforts and asked if the tick problem could be looked into. Mrs. Porter suggested helping the Wildlife Refuge with a program for the elimination of ticks. Mrs. Porter also discussed keeping the public informed on all issues.
- Mr. Brian Hall asked about the enforcement of accumulations on properties.
 Town Manager West stated that the Town enforces and follows up on this matter.

9. Discuss participation in the Town's Health Insurance Program.

Town Manager West explained that the precedence had been established for participation. He added if Council would like to participate, they would continue at their expense.

Councilman Frese moved, seconded by Vice Mayor Conklin that the Council can participate in the Town's insurance program at their expense. All were in favor with the exception of Councilman Howard who abstained, motion carried.

10. Consider Final Approval of Boat Kiosk Partnership for Veteran's Memorial Park.

Mayor Tarr had several changes for the draft and asked if the map was submitted. According to Town Manager West it was not submitted. Mayor Tarr would like to see the map prior to voting on this matter. He also expressed concern for the emergency numbers and excluding Chincoteague 911.

Councilman Jester feels there is no room for the kiosk at Memorial Park, he suggested putting it at the Curtis Merritt Harbor.

Mayor Tarr would like to research this matter further.

11. Consider Use Restrictions for Boat Ramp.

Councilman Frese stated there is a problem with the parking for those launching kayaks. He feels they have an obligation to those who purchased permits to use the facilities.

There was discussion of possible solutions to the problem areas which are East Side and Fir Landing boat ramps.

Councilman Howard suggested to post a parking sign for vehicles with valid boat ramp stickers only. Public Works Director Jeffries will look into the matter and see what can be done with the signs.

12. Consider Adoption of Hallie Whealton Smith Drive Resolution.

Mayor Tarr requested that Council adopt a resolution to incorporate Hallie Whealton Smith Drive into the state urban system so the Town will then receive maintenance payments for the road.

RESOLUTION

WHEREAS, the Virginia Department of Transportation, in accordance with its procedures for towns requesting mileage additions, requires that a formal request be made for such by council resolution; and

WHEREAS, the Virginia Department of Transportation had previously accepted as a mileage addition, a portion of the rural local collector known as Hallie Whealton Smith Drive extending from Deep Hole Road to a point .151 mile north west of Deep Hole Road; now.

THEREFORE BE IT RESOLVED, that the Town Council of the Town of Chincoteague, Virginia requests that the Virginia Department of Transportation accept and incorporate the remaining .519 mile portion of Hallie Whealton Smith Drive extending from the aforementioned point to its intersection with Main Street with such collector becoming eligible for maintenance payments under Section 33.1-41.1 of the Code of Virginia.

Adopted this 6th day of August, 2001

	Town of Chincoteague, Virginia
	BY John H. Tarr, Mayor
ATTEST:	, ,
James M. West, Town Manager	

Councilwoman Richardson moved, seconded by Councilman Jester to adopt the resolution to incorporate Hallie Whealton Smith Drive into the state urban system. Unanimously approved.

13. Other Matters.

• Building and Zoning Administrator Lewis informed that according to Chief David Lewis of the Chincoteague Volunteer Fire Company they will be unable to burn a structure unless our attorney or their attorney would write an acceptable agreement relieving the Fire Company of liability.

Councilman Frese asked if the Town could get an insurance rider. Town Manager West will look into the matter.

Building and Zoning Administrator Lewis feels it should be up to the individual that wants the structure burned.

Councilman Wolffe asked about the demolition cost. According to Building and Zoning Administrator Lewis it will cost approximately \$3,000 - \$4,000. He added if the Town puts a lien against the property the Town would not receive the money until the property is sold.

Mayor Tarr asked if there were other costs incurred for a control burn and asked Town Manager West to research the total cost of the burn.

- Public Works Director Jeffries informed Council of the arrival of the new generator and rehab of the pump station.
- Town Manager West reported that the Deep Hole Road project has been delayed approximately 90 to 120 days due to bid requests.
- Councilman Jester and Councilman Howard congratulated the employees and volunteers on a successful Pony Penning Shuttle.
- Councilman Wolffe requested a schedule change of the Budget and Personnel Committee meeting from August 9 to August 14, 2001. The committee agreed to reschedule.
- Councilman Howard expressed his concern about the potential problems of unleashed dogs.

Chief Lewis stated that the Police Department issues summons for this type of problems.

• Mayor Tarr reminded Council to convey their comments on the Comprehensive Plan prior to the August recessed meeting.

Councilman Howard commended the members of the Planning Commission for their hard work and efforts on the plan.

• Town Manager West updated the Council about the grant the Town received in the amount of \$5,000.00 to \$25,000.00 to plan the establishment of a learning center near Wallops. He also reported there was a meeting held with employers of NASA to distill information of the types of job skills they normally seek

Mayor Tarr added there will be another meeting to gather information on workforce training.

Councilman Wolffe expressed his approval for this project and volunteered as a representative from the Council for the committee to help with the training-planning grant.

Town Manager West added that DHCD is looking for the Town to repeat the process of the down town grant.

Mayor Tarr thanked Mrs. Kat Edwards for her assistance in the downtown grant efforts, and announced that the grant money will be received sooner than expected.

14. Next Meeting.

Mayor Tarr announced the next meeting of August 16, 2001, at 7:30 p.m.

15. Closed meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Personnel Matters.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to adopt a resolution of certification of the Closed Meeting.

WHEREA, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from the open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

16. Recess of Meeting.

Councilman Wolffe moved, seconded by Councilman Frese to recess the meeting until August 16, 2001. Unanimously approved.

Mayor	Town Manager

MINUTES OF THE AUGUST 16, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor Nancy B. Conklin, Vice Mayor Leonard R. Jester, Councilman James T. Frese, Councilman Terry Howard, Councilman Ellen W. Richardson, Councilwoman Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:40 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Review Updated Comprehensive Plan.

Mayor Tarr explained that since Council had last considered the Plan, staff had made revisions for accuracy to the Plan. He asked Council if further changes were necessary, after which a new, page-by-page review ensued. Councilman Wolffe and Councilman Frese thought the plan should better address the need to keep schools on Chincoteague. Councilmen Frese and Howard thought the Plan's treatment of the Harbor's financial status was not accurate. Councilman Howard felt some changes may be necessary with regards to the Community Center. Councilman Wolffe thought some mention of the importance of the Wallops Business and Learning Center was necessary.

Much discussion ensued regarding the planned future development of the north end of the Island and the accuracy of all the planning maps. Mr. West explained that the maps have been copied so many times that they are difficult to read. Mayor Tarr instructed that all interlineations should be removed from the Plan and Council's comments be incorporated. Further, he asked that maps be revised. After all of the aforementioned

changes are incorporated, Council will again review the document. Mr. West advised that it may be some time before he can have the maps professionally completed.

5. Discuss Drainage Ordinance.

Public Works Director Jeffries explained that the Public Works Committee feels there should be a drainage ordinance. It would eliminate problems caused by ditches that are filled in with debris or fill. This would be an asset in planning for future drainage needs.

Mayor Tarr also added that it will affect the flood insurance ratings on the Island. The ordinance will change the points of rating from 5 to 10. He also stated that a proposed ordinance should go to a public hearing.

Councilman Jester would like to inform Island residents of the ordinance so they can be held accountable for the interruption of drainage.

Councilman Wolffe expressed his concerns for the accountability of the property owners if the drainage is insufficient.

Town Manager West explained that many drainage ditches throughout the Island are vital to huge drainage systems but are located on private property.

Mayor Tarr requested that the Public Works Committee revise the ordinance as needed and forward it to Town Attorney Poulson for legal review.

6. Discuss Veteran's Memorial Park Kiosk.

Town Manager West explained that the changes to the text are complete and submitted for Council's approval. He added that the maps are not ready at this time. He asked the U. S. Fish & Wildlife Service if the verbiage could be approved now and approval of the map could occur upon its completion. Town Manager West also asked the U. S. Fish & Wildlife Service about another location for the kiosk.

Councilman Jester expressed his concerns for the placement of the kiosk at Memorial Park. He feels more people would benefit by having it at the Curtis Merritt Harbor.

There was more discussion of the information on the panel, and verbiage changes regarding the change of locations.

7. Management Team – Downtown Revitalization Project.

Mayor Tarr explained the need for a management team for the Downtown Revitalization Project to manage the project. He read the list of members:

Mayor Town Manager Project Engineer / Consultant John H. Tarr James M. West Elizabeth Gardner Downtown Merchants Association Tommy Clark Chincoteague Preservation Association Donna Leonard Chamber of Commerce Ted Lewis Gladys Baczek / William Fallon

Local Realtors

Public Works Department J. W. Jeffries **VDOT**

Robert Scott Town Council Terry Howard

Mayor Tarr announced the first meeting of the team would be Tuesday, August 21, 2001 at 11:00 a.m.

8. Other Matters.

- Town Manager West informed Council that the County's reassessment has started and assessors have begun on Chincoteague.
- Town Manager West announced that Hallie Whealton Smith Drive has been added to the state street inventory in response to Council's August 6, 2001 Resolution.

9. Next Meeting.

Mayor Tarr announced the next regular meeting of Council on September 4, 2001, at 7:30 p.m.

10. Adjournment.

Councilman Frese moved, seconded by Councilman Jester to adjourn the meeting at 10:35 p.m. Unanimously approved.

Town Manager Mayor **MINUTES OF THE SEPTEMBER 4, 2001**

CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:35 p.m.

2. Invocation.

Councilman Jester offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of August 6th and August 16th Council Meeting Minutes.

Mayor Tarr asked the Council for any corrections or additions to the minutes.

Councilman Howard asked for correction to a statement he had made concerning filling in jibs. He stated he had meant to say that it did not make sense, the way the ordinance was proposed, that you were allowed to fill in a jib and then still allowed to create another one.

Councilman Howard also stated a name had been misspelled in the August 16th minutes. It should state Elizabeth Lardner, not Gardner, as a member of the Downtown Revitalization Project.

Mayor Tarr asked for further comments. Councilman Wolffe moved to accept the minutes with the corrections as noted, motion seconded by Councilman Jester, unanimously approved.

5. Council Information Items

Councilman Wolffe directed a question to Mr. Jeffries, Public Works Director, inquiring where things stood with the issues at the East Side and Fir Landing boat ramps.

Mr. Jeffries stated that signs have been ordered. The sign for the East Side ramp will show designated parking on one side for trailer pass parking and the other for vehicle pass parking. At the Fir Landing ramp, where parking is limited, there will be a designated area for three trailers with decals.

Mayor Tarr asked for any further questions.

Town Manager West stated he had an update concerning the Parks property on Anderton Avenue. He stated the Fire Company would not be able to do the job. Councilman Howard asked if any bids had been received for the demolition. Mr. West responded that 3 or 4 people were interested in doing it.

6. Committee Reports

Vice Mayor Conklin reported the Budget and Personnel Committee had met and were continuing to work on several items as were shown in the minutes from the meeting. She asked for any questions or comments.

Councilman Jester stated that the Public Works Committee had met. They had discussed storm water run-off and some problems that are occurring when it runs from one property to another. They would also like to recommend to Council that a consultant be contacted to discuss capital improvements to the Town's water system.

Councilman Jester announced the Public Works Committee would be meeting on the 2nd Tuesday of each month in the future. He also stated the committee had discussed the possibility of posting "maintain minimum speed limit" signs on the island. There have been complaints of very slow drivers and passing is not allowed on several of the streets.

The Planning Commission met on August 28th. Councilman Jester stated the commission had found a loophole in the last changes that were made to the 5.5.1 zoning ordinance change. This would be discussed later. Also, due to the passing away of Commission member Harry Harris, advertising to fill this vacancy has been posted.

Mayor Tarr asked Councilman Jester if the plan for capital improvements was just for the water works or for the whole Town of Chincoteague. He responded they were primarily looking at the water storage, as there is only enough to supply the town for one day if an accident were to occur. Councilman Howard commented he felt this was critical considering the increased amount of water that is being pumped presently to the Island.

Mayor Tarr asked Town Manager West how long he felt it would take to get consultant information together for the Council to review. Mr. West responded he should have it to present at the second Council meeting in October.

Mayor Tarr asked how all of this tied into the Budget and Personnel Committee's Capital Improvement Plan. Mr. West responded that it was very much the same except it was based primarily on infrastructure alone.

Councilman Howard pointed out some matters that were discussed at the August 28th meeting of the Cemetery Committee. He stated they were considering establishing clean up crews for the various cemeteries.

7. Public Participation

Barbara Mason, Chairperson of the Board of Christ United Methodist Church, came forward to address the issue of parking on Church Street. She presented the Mayor and Council with a letter and 108 signatures petitioning for parking to remain allowed on Church Street. She read the letter to the Mayor and Council and then gave a statement explaining the concerns the Methodist Church members have regarding this.

Mrs. Mason explained that prohibiting parking on Church Street could affect the outreach programs at the church. It could also present problems for those members of the church who are handicapped and interfere with operations at the Opportunity Shop.

Mrs. Mason suggested some alternative solutions to this problem such as one-way traffic on Church Street, restricted hours of parking and signs directing people to other parking areas.

Mr. Richard Conklin spoke supporting the Board of Christ United Methodist Church. He questioned the reason for doing this now. Councilman Jester responded it was due to the heavy traffic on Church Street and the large size of some campers. Some discussion followed concerning parking on various other streets and problems that are faced on them. Mr. Conklin said he felt that once the bridge was moved to the Maddox Boulevard location that a lot of the traffic would be eliminated. He suggested that maybe the Council should wait and see what occurs then.

Mr. Ken Porzl stated that he had not noticed very much trailer traffic on Church St. He feels it mostly occurs on Maddox Boulevard and Beebe Road.

Pastor Travis Deloach, of United Methodist Church, voiced his concern with racing that occurs on Church Street at night. He feels this is more of a problem than the parking. He stated the Church is just asking for a way to most effectively serve the community.

8. Limiting Parking on Church Street

Councilman Jester stated the Public Works Committee had met several times and had discussed the parking on Church Street. He discussed how other areas on the street have not been open to parking for quite a number of years and this has not caused any problems.

Public Works Director, Mr. J. Jeffries, proposed that parking zone signs be posted and directional signs showing where additional parking is located. He also stated that in the future one-way traffic may be implemented on several of the streets.

Mayor Tarr asked, in reference to what Mr. Conklin had stated, if traffic counts had been considered.

Public Works Director Jeffries stated he wasn't aware of any survey of the projected traffic changes available.

Mayor Tarr asked for any questions or comments from the Council.

Councilman Frese asked if maybe additional parking behind or beside the Opportunity Shop could be an option. Public Works Director Jeffries explained some limitations exist.

Councilman Frese commented further on Church Street being a main thoroughfare for traffic traveling from the west to east sides of the island and he felt the parking was a safety issue.

Some mixed comments from the public followed.

Councilman Wolffe commented he had concerns as to what the ramifications would be if parking was not allowed. He feels it will allow increased speeding and businesses could suffer. He does not want to create a safety hazard by removing the parking. He stated he did not feel prepared to vote on this issue at this meeting.

Mayor Tarr asked Public Works Director Jeffries if any consideration had been given to the parking limitations taking place only in the busiest months.

Public Works Director Jeffries responded that yes it had been briefly discussed.

Councilman Howard questioned how the signs in front of the Baptist Church read. They read "No Parking Sunday 9:00am to 9:00pm". He feels the suggestions the Methodist Church had asked for is something we could live with and agrees speeding could become a problem. He agreed with Councilman Wolffe that more time was needed to study the situation before the Council voted on the issue.

Mayor Tarr agreed and asked that it go back to the Public Works Committee for further study. The Council concurred without voting.

9. Virginia Main Street Program Resolution

Town Manager West stated he was asking the Council to adopt a resolution that would authorize the application for an affiliate membership to the Virginia Main Street Program. He explained the difference between an affiliate membership and a full membership. The affiliate membership will link us with other towns under revitalization projects much like our own and allow for free training and technical assistance.

Vice Mayor Conklin motioned to join as an affiliate member, Councilman Howard seconded, unanimously agreed. Mayor Tarr asked for any further questions. Some discussion followed concerning following the Program's agreement.

Mayor Tarr read the resolution.

RESOLUTION

WHEREAS, the Virginia Main Street Program provides critically important training and technical assistance to participating members and affiliate members, and

WHEREAS, membership in the program also provides invaluable networking opportunities, linking communities currently undergoing revitalization and communities that have recently undergone revitalizations, and

WHEREAS, the Town of Chincoteague has actively begun the revitalization of its downtown and Main Street area, and

WHEREAS, the Town of Chincoteague desires to participate in the Virginia Main Street Program through membership as an affiliate community.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Chincoteague does hereby authorize the application for affiliate community membership in the Virginia Main Street Program.

Adopted this 4 th day of September 2001.	
Attest:	John H. Tarr, Mayor
James M. West. Town Manager	

Councilman Wolffe motioned to accept, Councilman Howard seconded, all adopted unanimously.

10. Adoption of Bicycle Plan

Town Manager West explained the new plan is an updated version of the previous plan. The Bicycle Advisory Committee has made some revisions that better suit what is presently needed. He suggested the Plan be incorporated into the Comprehensive Plan possibly in the transportation section.

Councilman Wolffe asked if it would be in the Comprehensive Plan in it's entirety or if the Planning Commission would be asked to look at it and then add something to the Plan. Town Manager West stated he suggests it be put in as an annex similar to how the Land Use maps are in the Plan now. Mayor Tarr further explained that once the maps are done and all other corrections have been made to the Comprehensive Plan, it would come back to the Council and most likely another Public Hearing for review.

Councilman Howard commented he believes it is a good plan and one that is necessary with the increased bicycle traffic we currently face.

Councilman Wolffe motioned to accept the Bicycle Plan, the motion was seconded by Councilman Howard.

Councilman Frese suggested adding an area stating the maximum daily count during the peak season.

Mayor Tarr stated that the motion should be corrected to say "to delete the old Bicycle Plan and replace with the new Plan". Councilman Wolffe agreed. With a motion and a second, the Council adopted unanimously.

11. Other Matters

Town Manager West brought to the Council's attention a discrepancy in the wording of the zoning ordinance 5.5.1 change. The idea was to allow jibs to be filled in provided any additional work had to be conforming. As it is written now the wording doesn't tell the intent. It appears to read the jibs could continually be filled in. He said he had spoken to Town Attorney Jon Poulson concerning the best way to phrase this and he has since made changes to the verbiage. Town Manager West asked the Council to have a look at the changes to see if the intent had been captured correctly. The section will be corrected to read as follows: Additions to the area of a nonconforming structure that meet current zoning regulations are permitted. Additions to the area of a nonconforming structure that do not meet current zoning regulations are permitted provided the addition does not encroach further into the required setback and does not extend beyond the outermost planes of the structure as such existed on August 6, 2001. Such additions shall conform with the height requirements for that district.

Councilman Wolffe motioned to have the wording changed for clarification in Sec. 5.5.

Mayor Tarr stated he did not think a motion was needed. Town Attorney Poulson said he preferred a motion. Mayor Tarr stated since it wasn't on this agenda he would prepare to have it on the next meeting's agenda.

Councilman Howard brought to the Council's attention a situation this summer that occurred where a lady had locked her keys in her car and could not afford to hire a locksmith. He said that in the past the Police Department had helped people in these situations, but had stopped due to insurance reasons. Councilman Howard said he would like to see the appropriate committee give some consideration to having the Police Department provide this service again.

Councilman Howard also discussed the duck situation and read a letter he had received from Mrs. Joyce Bowden. The letter had also been signed by many residents on Poplar Street and Ocean Boulevard. Mrs. Bowden, and those who signed, request the ducks be removed and relocated to the Refuge or to another sanctuary. She stated they have become so populated that it has become a health hazard.

Some discussion followed concerning how the ordinance pertaining to feeding the fowl could be enforced. Mayor Tarr stated he would have Police Chief Ed Lewis check into the situation.

Mayor Tarr announced the Town had been successful in receiving the last grant it had applied for, the Boating Infrastructure Grant for \$100,000. Only 5 grants had been given out through 12 states in the northeast region, 4 were in Virginia and Chincoteague was one of them.

12. Next Meeting

Mayor Tarr announced the next meeting of September 20, 2001 at 7:30pm.

13. Closed Meeting

Councilman Wolffe moved, seconded by Councilman Howard to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss possible acquisition of public property; unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe to reconvene in Regular Session; unanimously approved.

Councilman Frese moved, seconded by Councilman Wolffe to adopt a resolution of certification of the Closed Meeting;

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard discussed or considered by the Town Council.

VOTE:	Ayes - Nays - Absent -	Frese, Wolffe, Conklin, Jester, How NONE NONE	vard, and Richardson
		ATTEST: _	
			Town Manager
Mayor '		ting a motion to recess until September Councilman Wolffe, unanimously a	
	Mayor		Town Manager

MINUTES OF THE SEPTEMBER 20, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor Nancy B. Conklin, Vice Mayor Leonard R. Jester, Councilman James T. Frese, Councilman Terry Howard, Councilman Ellen W. Richardson, Councilwoman Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:30 p.m.

2. Invocation.

Mayor Tarr asked for a moment of silence for the families, workers, and victims of the terrorists attack on September 11, 2001. Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Proclamation.

Mayor Tarr read the Proclamation.

PROCLAMATION

Whereas, on September 11, 2001 terrorist attacks brought siege upon our great Nation, not only affecting the World Trade Center and the Pentagon, but attacking freedom in general; and

Whereas, these senseless attacks have claimed the lives of thousands of citizens of our country; and

Whereas, our nation and community must now stand united to restore the areas attacked and defend against those responsible for these heinous acts; and

Whereas, each of us must rededicate ourselves to our country, renew the principles of freedom, instill a spirit of patriotism, pride and respect, and reaffirm our love of flag and country;

Now, Therefore, I, John H. Tarr, as Mayor of the Town of Chincoteague do hereby call upon the citizens of this community to unite in support of our nation by flying our national flag as a sign of freedom and support to those that have given their life, those

that are working to restore the areas devastated and those called upon to defend our nation.	
May God Bless the United States of America.	
Signed this 20 th day of September 2001.	
John H. Tarr, Mayor Attest:	
James M. West, Town Manager	

Mayor Tarr also stated the Town is setting up a disaster relief fund to help the people of New York City. There will be information throughout the community and the Town office and Farmers and Merchants Bank will accept donations for this cause. Mayor Tarr asked Council if they would approve a donation of \$2,000.00 to start the disaster relief fund. The Council agreed to the donation.

Mayor Tarr announced that the Town has purchased flags to be given to the citizens of Chincoteague to show support for our country. The American Legion has donated 144 flags also. Mayor Tarr invited Council to pass the flags out at the Weekend of the Islands events this weekend.

5. Consider Clarification of Section 5.5 of the Town Zoning Ordinance.

Mayor Tarr explained that Council requested a language change completed by Town Attorney Poulson.

SEC. 5.5 - EXPANSION OR ENLARGEMENT:

Additions to the area of a nonconforming structure that meet current zoning regulations are permitted. Additions to the area of a nonconforming structure that do not meet current zoning regulations are permitted provided the addition does not encroach further into the required setback and does not extend beyond the outermost planes of the existing structure as such existed on August 6, 2001. Such additions shall conform with the height requirements for that district. (8/6/01)

Vice Mayor Conklin moved, seconded by Councilman Wolffe to approve the change of language in Section 5.5. For – Conklin, Wolffe, Richardson, Jester. Against – Howard, Frese, Motion carried.

6. Consider Adoption of Project Resolution.

Mayor Tarr explained that the Town was successful in the application for the first round of Boating Infrastructure Grants in the amount of \$100,000. Mayor Tarr stated the Town is submitting the same application with few changes for the next round of grants. A Project Resolution is needed to go to the next round.

Vice Mayor Conklin moved, seconded by Councilman Frese to approve the Project Resolution. Unanimously approved.

PROJECT RESOLUTION

WHEREAS, the Department of Health, Division of Wastewater Engineering manages funds from the United States Fish and Wildlife Services for the development and improvement of boating infrastructure facilities; and

WHEREAS, the Town of Chincoteague has identified the development of the vacant lot in the downtown district into a waterfront park and boating facility as a high priority and shall henceforth refer to such project as the Downtown Waterfront Park; and

WHEREAS, the Town of Chincoteague plans to provide day-docks, transient slips, safe water harbors, fixed piers, bulkheads, dockside utilities, pump-out stations, and various other amenities for charter and transient boats as part of its planned development and improvements for the Downtown Waterfront Park; and

WHEREAS, the Town of Chincoteague was successful in its initial application for funding though the Boating Infrastructure Program and desires to be considered for the second phase of funding through the program.

NOW, THERE, BE IT RESOLVED, that the Town Council of the Town of Chincoteague respectfully requests that the Virginia Department of Health and the United States Fish and Wildlife Service assist in approval and additional funding of the Downtown Waterfront Park through the Boating Infrastructures Grant program in order to enhance the standard of public recreational enjoyment for all our citizenry, and

BE IT FURTHER RESOLVED, that the Town of Chincoteague intends to fund the required share of the cost of the project, and gives its assurance that all applicable federal and state regulations governing such expenditure of funds will be complied with the administration, development, and subsequent operation of the Downtown Waterfront Park, and

BE IT FINALLY RESOLVED, by the Town Council of the Town of Chincoteague, that the Chincoteague Town Manager is hereby authorized to cause such information or

materials as may be necessary to be provided to the Department of Health and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Downtown Waterfront Park.

Adopted this 20 day of September 2001.	
	John H. Tarr, Mayor
Attest:	
James M. West, Town Manager	

7. Award of Demolition Work.

A J--4- J 41: - 20th J--- - f C--4---1--- 2001

Mayor Tarr stated there were bids received for the demolition work for the Parks home on Anderton Avenue.

Vice Mayor Conklin asked questions about the bids. Councilman Wolffe reiterated the money would not be collected until the property is sold. Vice Mayor Conklin feels the lot would be more valuable without the house.

There was discussion about the cost and placement of a lien on the property. Council feels the owner should be contacted about the price and the action to be taken on the property prior to committing to the demolition. Council decided to put the vote on hold for 30 days.

8. Other Matters.

- Chief Lewis reminded Council of the Bike Rodeo scheduled for Saturday, September 22, 2001 from 9:00 a.m. to 12:00 noon.
- Mayor Tarr stated there is an open seat on the Planning Commission. An announcement will be placed in the paper for those interested to contact the Town office. Council will vote on this matter in October.

9. Next Meeting.

Mayor Tarr announced the next meeting will be Monday, October 1, 2001 at 7:30 p.m.

10. Adjournment.

Councilman Howard moved, seconded by Councilman Jester to adjourn. Unanimously approved.

The meeting was adjourned at 8:48 p.m.	
Mayor	Town Manager

MINUTES OF THE OCTOBER 1, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor Nancy B. Conklin, Vice Mayor Leonard R. Jester, Councilman James T. Frese, Councilman Terry Howard, Councilman Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:40 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of September 4th and September 20th Council Meeting Minutes.

Councilman Howard requested a correction to the minutes of September 4, 2001. Items 13 and 14 stated that Mayor Tarr motioned. Councilman Howard felt that Mayor Tarr requested a motion in both cases but did not actually provide the motion. Vice Mayor

Conklin moved, seconded by Councilwoman Richardson to approve the minutes with the noted corrections. Unanimously approved.

5. Council Information Items.

Councilman Frese asked for an update on the Parks property on Anderton Avenue. Town Manager West responded that Building and Zoning Administrator Lewis had hand delivered a letter to Mr. Parks. He stated that Mr. Parks explained his financial situation and stated the Town will have to do what is necessary.

Council agreed to wait until the November Council Meeting before making a final decision on the demolition of the property.

6. Committee Reports.

- Town Manager West reported that the Chincoteague-Assateague Transportation Committee came to an agreement with the U. S. Fish and Wildlife and National Park Service about key elements of an emergency access plan. The Park Service has agreed to have an attorney draw up the final plan for execution by all parties. They also decided to explore the idea of a downtown trolley to serve the Island.
- Councilman Frese stated the Ordinance Committee decided to suspend the monthly meetings and meet every quarter provided there are no matters pending.
- Vice Mayor Conklin reported on the Budget Committee. They are still reviewing the Town's match in the health insurance plan. They discussed bond pay-off and decided to wait until the Spring to consider any further action.
- Councilman Jester reported on the Public Works Committee. They discussed no parking on Church Street and will finalize a plan prior to the next Council meeting. He advised that Chicken City Road will soon be ready for drainage work. Councilman Jester also advised there will be street lights added on Chicken City Road north of Maddox Boulevard.
- Councilman Jester also reported on the Planning Commission. He stated there has been a problem with camping units. There is a vacancy on the Planning Commission and the Commission is reviewing the Sub-Division Ordinance.
- Councilman Howard stated the Cemetery Committee discussed long range plans on the upkeep of the cemeteries. Mr. Gary Turnquist is volunteering and seeking information on ownership. They would also like to develop a plan. Councilman Howard stated that Delegate Bloxom will be researching information for the Cemetery Committee. Councilman Howard thanked all those who assisted in the cemetery cleanup.

7. Introduction of New Employees.

Chief Lewis introduced Officer Gary Fox and Dispatcher Marissa Pruitt. Council welcomed the new employees.

8. Presentation of Certificates.

Mayor Tarr presented Certificates of Appreciation to Mr. Bill Fallon, Ms. Laura Lintz, and Mr. Donnie Thornton for their efforts in the Downtown Revitalization Committee and work toward grants.

9. Educational Co-op Program Proposal.

Ms. Barbara Witt, a business teacher at Chincoteague High School presented Council with a brochure about the Co-op Program. She stated that this is a nationwide program. Ms. Witt explained that the difference in this program and an internship is that the students are paid for the hours they work and receive a class credit. The Teacher-Coordinator will visit the site and work with the employer to build a training plan that will benefit both the employer and student. Interviews are conducted as it is for any new employee. Ms. Witt offered her personal expertise to the businesses participating. She also explained there will be an agreement between the school, employer, teacher, parents, and student. The only request the school has is to treat the student with honesty, respect and integrity, and log the hours the student is working. They can begin as early as July 1st, and need 560 working hours. The work the student will be doing will correlate with the classroom instruction.

Town Manager West stated that in the past the Town did not have the student long enough per day. He asked for a block of possibly 4 hours. Ms. Witt stated that such a block could be accommodated. The majority of the Senior Class is finished with their day after the second block at approximately 11:30 a.m.

Councilman Wolffe asked what would happen if the employee/employer relationship does not work. Ms. Witt responded that the business would treat the situation like any other employee relationship with mediation first. Councilman Wolffe feels the program would be beneficial to the student.

Councilman Jester has had very good results in the past, and feels this would be an excellent program.

Mayor Tarr stated this will go back to the department-heads to see if they feel a need. They will also find out what blocks of time the student would have to work. He also stated that periodically the Town has positions open that are not filled right away. These types of positions would possibly be appropriate for a student.

Town Manager West stated that with Council's approval, the staff will list tasks available and set up a meeting with Ms. Witt.

10. Granting of Permission Under 7.2 of the Town Code.

Mayor Tarr explained that those seeking to install fuel tanks in excess of 1,000 gallons, must be granted permission for such by the Town Council. The Town is in receipt of an application for a 1,000 gallons storage tank from Comfort Suites, to be located at 4195 Main Street.

Councilman Howard moved, seconded by Councilman Jester to approve the placement of one 1,000 gallons storage tank for the addition of Comfort Suites. Unanimously approved.

11. Appointment to Planning Commission.

Mayor Tarr informed Council that due to the recent death of Mr. Harry Harris there is a vacancy on the Planning Commission. He stated the term is until December 31, 2001 to fulfill the remaining term of Mr. Harris. Mayor Tarr asked for nominations.

Councilman Howard nominated Mrs. Mollie Cherrix, stating she has demonstrated her interest in the community.

Councilman Wolffe nominated Ms. Laura Lintz and Mr. Brian Hall.

Mayor Tarr asked for votes from Council for Mrs. Mollie Cherrix.

Ayes: Howard, Jester, Conklin, Frese, Richardson

Nayes: Wolffe

Mayor Tarr congratulated Mrs. Cherrix for fulfilling Mr. Harris' term on the Planning Commission.

12. Proposed Budget Amendments.

Vice Mayor Conklin stated the amendments are housekeeping type of amendments concerning grants. She directed questions to Town Manager West.

Town Manager West explained that the majority of the amendments are for grant money actually received in lieu of predictions. Others are housekeeping items. He stated this amendment has to be advertised one time, 7 days before the public hearing. He also added this matter can be acted upon the same night of the public hearing.

Councilman Wolffe moved, seconded by Councilman Jester to advertise a public hearing for October 18, 2001 at 7:30 p.m. concerning the proposed budget amendments. Unanimously approved.

13. Consider Joint Public Hearing.

Mayor Tarr stated the Planning Commission requests that Council consider a joint public hearing in order to consider adoption of the following amendment to Section 2.31 of the Zoning Ordinance.

Sec. 2.31 Camping Unit.

Tents, tent trailers, camping trailers, pickup campers, motor homes or any other device or vehicular-type structure as may be developed, marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

Property owners/tenants may store such units on their property provided no electric, water or sewerage is attached to the unit. Any use of a camping unit outside of an approved campground is prohibited.

Exception;

With a permit from the Town of Chincoteague, property owners/tenants are permitted to occupy camping units on their property for the period beginning the Saturday before pony penning through the Saturday following pony penning.

Any person is prohibited from charging a fee for the parking of said unit(s), and must have an approved method of sewerage disposal for such unit. An approved method is written permission from a campground owner on Chincoteague that the unit(s) can use their state approved dumping station for the disposal of their sewerage.

Mayor Tarr stated the changes will clarify the meaning for the enforcement by Building and Zoning Administrator Lewis.

Councilman Wolffe asked what the problem was with this matter. Mayor Tarr responded that people are setting up campers other than the week of pony penning. Councilman Wolffe does not understand why this would be against the law. He feels it should be less restrictive.

Mayor Tarr asked Planning Commission Chairman, Mr. Mike Tolbert if the Commission has looked into this article for any other reason. Mr. Tolbert explained that Building and Zoning Administrator Lewis requested this ordinance be reviewed as there has been a problem with enforcement, and he requested clarification of the language.

Councilman Howard feels a public hearing would invite positive input from the community.

Councilman Wolffe suggested to send this matter back to the Planning Commission to clarify the language and possibly lessen the restrictions.

Council agreed to send the matter back to the Planning Commission for further review.

14. Other Matters.

- Mayor Tarr announced the Police Committee meeting scheduled for October 16, 2001 at 7:00 p.m.
- Public Works Director Jeffries reminded Council of the new schedule for the Public Works Committee meetings, which will be the second Tuesday of each month at 7:30 p.m.
- Town Manager West feels the Downtown Main Street workshop he attended was beneficial.
- Town Manager West has a request from the Chincoteague Charter Boat Association. The Council has supported the establishment of a reef off of Virginia. There are more materials available, and the Association is requesting another letter of support to the Virginia Marine Resource Commission. Council authorized Mr. West to send a new letter of support.
- Councilwoman Richardson thanked the Public Works Department for trimming the bushes. She expressed her appreciation to the Department for their hard work, and to Public Works Director Jeffries for his professionalism.
- Councilwoman Richardson announced the first Deer Task Force meeting scheduled for October 26, 2001 at 7:00 p.m.
- Mayor Tarr read a letter of thanks from the U. S. Fish and Wildlife Service for the use of the dump truck and staff during the beach cleanup.
- Mayor Tarr read a letter of resignation from Mr. Kelly Conklin from the Chincoteague Civic Center Authority. Mayor Tarr asked for names interested in filling this position to be submitted at the recessed meeting on October 18, 2001. Councilman Frese suggested a letter of appreciation or a plaque for his outstanding job on the Authority.

15. Next Meeting.

Mayor Tarr announced the next meeting would be October 18, 2001 at 7:30 p.m.

Mayor Tarr announced that Agenda Item #18 will not be discussed at this meeting.

16. Closed meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Personnel Matters.

Councilman Jester moved, seconded by Councilman Howard to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss personnel matters; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from the open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

17. Recess of Meeting.

Councilman Wolffe moved, seconded by Councilman Howard to recess the meeting until October 18, 2001. Unanimously approved.

Mayor Town Manager
MINUTES OF THE OCTOBER 18, 2001

MINUTES OF THE OCTOBER 18, 2001 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:38 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Certificate of Appreciation.

Mayor Tarr presented Mr. Kelly Conklin with a plaque in recognition of his years of service to the Chincoteague Recreation and Convention Center Authority.

5. Resolution of Respect.

Councilman Jester read a resolution from the Planning Commission recognizing Mr. Harry Harris' service to our community.

6. Public Hearing: Budget Amendments.

Mayor Tarr opened the Public Hearing at 7:45 p.m. Town Manager West explained the proposed budged amendments are to correct the amounts of grant monies actually received, and other items are general housekeeping items. Mayor Tarr closed the public hearing at 7:50 p.m.

Rev/Exp	Description	from	to
104020.0100	Interest on GF Savings	70000	53000
104131.0300	Interest on WR Savings	0	17000
104501.0100	VDOT Maintenance Funds	375500	457439
106330.4101	Street Maintenance	-3000	-54068
106530.4150	Maint Coatings/Replacements	-231422	-262293
1015010110			======
104501.0110	CDBG Main St Grant	800000	750000
104545.0115	TEA-21 Main St Grant	481000	501000
104701.1200	Trf. From Prop. Acqu. Fund	25000	40000
104545.0135	DCR Outdoors Fund Grant	125000	0
105090.9711	Main St Revitalization Project	-1731000	-1606000

105030.3401	Insurance	-82000	-50000
104545.0120 106390.9640	DCR Grant - HWS Trail HWS Trail	59000 -59000	0
104545.0110	TEA-21 Bikeway Grant	38400	78000
106390.9630	Chinco/Assat Bikeway Proj	-41600	-81200
304031.1050	VA Port Authority Grant	400000	0
304910.8900 308090.9126	Trf. From LT Replacement CMH Replacement Project	300000 -700000	0 0
106290.9505	Bond Fund Payments	-146873	-143500
106290.9602	Engineering Services	-14000	-14000
106290.9801	Water Works Reserve	-60000	-10000
106290.9822	Deep Well (add line item)	0	-67000
408530.3401	Insurance	-2000	-7000
408530.4705	Chemicals	-38000	-33000
105010.1001	Town Office Staff	-98203	-101303
105010.0000	Social Security (Office Staff)	-20550	-20823

Councilman Jester moved, seconded by Councilman Wolffe to approve the budget amendments as presented. Unanimously approved.

7. Proposal to Limit Parking on Church Street.

Councilman Jester explained his feeling that parking for the Methodist Church and Opportunity Shop have been accommodated. Public Works Director Jeffries added that a 15-minute zone would be put in front of the Opportunity Shop. He also stated that a handicapped Parking sign could be placed on the Post Office property and one on Mrs. Elsie Mears' property.

Councilman Howard asked if there would be directional signs to the designated parking lots for the church. Public Works Director Jeffries responded this has not been addressed, however a directional sign could be a possibility.

Mayor Tarr invited public participation on this matter limiting each participant to 1-minute of comments.

• Mr. Ronald Mason appreciated permission to park in the other lots for the Opportunity Shop. He feels the change could be hazardous causing speeding and accidents from cars backing out of the driveway onto Church Street.

- Mr. David Weidenheft expressed his concern for the elimination of parking on Church Street causing no parking in front of the Channel Bass Inn. He suggested 15-minute loading and unloading zone for his customers.
- Mr. Richard Conklin suggested allowing parking from 8 a.m. to 4 p.m. on Sundays for the churches. He stated that it would be acceptable to discontinue parking on Church Street if there were a few parking spaces opened on Sundays and for the Opportunity Shop. He asked Council to reconsider this proposal.
- Mrs. Leah Hurdle informed the Council that the Opportunity Shop makes \$28,000.00 a year and cannot exist without parking in the front. This isn't only for the Shop, but for the handicapped also.
- Mr. Ray Davis asked about the Post Office allowing parking. Public Works Director Jeffries responded that this was a verbal agreement, and allowable only on Sundays. Mr. Davis stated that the Post Office could verbally allow this today, but without an easement they could withdraw their permission tomorrow.
- Councilman Wolffe asked if the handicapped areas were only for Sundays. Public Works Director Jeffries stated that Councilman Wolffe was correct and signage would specify this.
- Mrs. Barbara Mason introduced herself as the Chairperson of the Board of the Christ United Methodist Church. She explained the hazards that handicapped people would be facing during the week with no parking on Church Street. She asked why Church Street was the only street being addressed. She asked the Council not to kill a mission and voting against parking is a vote against helping Island residents.
- An unidentified speaker requested that drivers simply yield and wait as they do every day.
- Mr. John Kane, Trustee for the Christ United Methodist Church, doesn't understand why this issue was brought before the Council in the first place. He added this is not the only street with parking problems on the Island. Mr. Kane stated if everyone obeys the 25 mph speed limit there is no need to take Church Street parking away.

Mayor Tarr expressed his appreciation for the input on this matter and asked Council for comments at this time.

Councilman Wolffe stated he is opposed to the limitation of parking. He also stated that there has been public participation in the past with no favorable comments. He feels that slower traffic on Church Street is probably better.

Vice Mayor Conklin does not have a problem waiting for traffic on Church Street, however she has seen a lot of traffic on Thursdays at the Opportunity Shop. She has never seen the Town Parking Lot so full that a couple of cars could not park there to go to the Opportunity Shop. Vice Mayor Conklin stated that the church is not doing anything to address the parking problem. The number of cars that park on Church Street could park in the Town's Parking Lot. She added there are handicapped patrons shopping for an hour without assistance.

Councilman Frese does not feel this is an issue of time. It is an issue of safety, such as small children stepping into traffic. He stated this is an emotional issue because the church is involved. Councilman Frese stated that Mr. Otto Pehle from Showard Brothers showed him several empty parking spaces in the Town Parking Lot in July. He feels there is adequate parking on the adjoining properties. Councilman Frese also feels there is a need to accommodate parking for the Channel Bass Inn. He suggested that a 15-minute loading and unloading zone for the business is a reasonable request.

Councilman Wolffe asked how public safety would improve by removing parking on Church Street.

Councilman Frese responded this is accomplished by increasing site distances and lowering the opportunity for children to dart out in front of vehicles.

Councilman Howard stated that he originally thought that parking should be removed from Church Street. After more consideration he feels that parking should remain as it currently is. He also stated that he cannot support taking it away.

Councilman Jester explained that Cleveland Street is 5 feet wider than Church Street. He stated that Church Street along with Clark Street and Jester Street are the smallest streets on the island. He stated that Church Street's daily traffic count is 4,800, which indicates heavy traffic. He expressed his concern for cars and campers with wide mirrors. He stated that the problem is during church services and not routinely seen by the members of the church.

Councilman Wolffe asked Chief Lewis about the safety issues, and accident statistics. He also asked about speeding violations issued on Ridge Road after the widening.

Chief Lewis was unaware of any accidents involving pedestrians on Church Street in the last few years. He also added that the Police have been setting up radar on Ridge Road and Church Street.

Councilman Howard feels that wider streets sometimes cause speeding.

Councilman Wolffe stated that it is safer to allow the parking. He requested that those in favor of the change attend the next council meeting for input.

Councilman Wolffe interjected that there has been no one attending council meetings in favor of the change.

Councilman Frese feels it is not up to the public to dictate matters of public safety.

Mayor Tarr explained that this matter was brought to Council. They did not take it upon themselves. He feels there has not been enough documentation of accidents or problems with Church Street to warrant eliminating parking completely. He suggested forming guidelines.

Councilwoman Richardson added that she agreed there is a need to have stipulations on Church Street. She feels that safety is the issue because of impatient drivers. Councilwoman Richardson agrees with Mayor Tarr and suggested to try parking in the Town Parking Lot and walking over to the Opportunity Shop before something is done. She also agrees, there needs to be a loading and unloading zone for Channel Bass Inn. She asked people to attend the meetings to help Council work out these types of problems.

Councilman Jester moved, seconded by Councilman Frese to accept the recommendation from the Public Works Committee eliminating parking on Church Street with limited, timed parking for Channel Bass Inn and Opportunity Shop. Voting For: Jester, Frese. Voting Against: Richardson, Howard, Wolffe. Abstain: Conklin. Motion defeated.

Vice Mayor Conklin also encouraged people to try to park off of the street. She suggested that the Church arrange for parking behind the fellowship house. This would eliminate potential safety problems on Church Street.

8. Appointment to Chincoteague Recreation and Convention Center Authority.

Mayor Tarr explained that at the last meeting there was an announcement of a vacancy on the Chincoteague Recreation and Convention Center Authority. The Council was to present nominations at this meeting.

Councilman Howard asked about the method of nominations. He suggested advertising for candidates as the Town does for the Planning Commission. He also feels that Mrs. Therese Hamilton, Director of the Chincoteague Recreation and Convention Center Authority should be able to make recommendations in the process.

Vice Mayor Conklin thought nominations would be presented at this meeting. She does not feel an employee should select their own boss.

Councilman Howard feels every person deserves input.

Mrs. Hamilton explained she did not want to pick her own boss. She does want someone who has the same ideas for the Center.

Mayor Tarr stated a citizen should be able to suggest possible nominees, however an employee should not be nominating their own boss.

Mrs. Hamilton interjected that she received permission from the Board to do this.

Councilman Wolffe asked if the public could make nominations.

Mayor Tarr stated that only members of Council could make nominations at this time.

Councilman Howard added that Mrs. Hamilton has been very respectful in her relationship with the Town. He feels she wants to help Council decide on the best candidate for the position.

Councilman Wolffe stated he did not have a nomination.

Councilman Frese agreed with Councilman Howard that by advertising, the public has input.

Mayor Tarr stated that by general consensus of Council, the position will be advertised. The deadline for the receipt of candidates will be prior to the November 5, 2001, Council Meeting.

9. Other Matters.

- Public Works Director Jeffries announced that the Town has received a letter from the Department of Environmental Quality giving permission to proceed with the well.
- Councilwoman Richardson announced the next Deer Task Force meeting on October 25, 2001 at 7:00 p.m.
- Councilman Wolffe complimented Building and Zoning Administrator Lewis on his outstanding efforts in the removal of the waterway sign toward Assateague. He explained the judge agreed with Building and Zoning Administrator Lewis and ruled that the sign be removed. Councilman Wolffe expressed his appreciation for Building and Zoning Administrator Lewis' hard work.
- Councilman Howard feels that the Town is wasting paper, such as the folders in which the agenda packet is placed. He suggested placing the agenda in an envelope, and putting several agenda items on one page as opposed to separate pages. This could save a little money and trees.
- Mayor Tarr expressed the need for a task force against terrorist type attacks. He
 plans on bringing key people together to make a plan including the local doctors
 and Emergency Operations Committee. Councilman Wolffe suggested including
 the local pharmacists for this committee.

10. Next Meeting.

Mayor Tarr announced the next meeting will be **Monday, November 5, 2001 at 7:30 p.m.**

11. Closed Meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Possible Acquisition of Property and Personnel Matters.

Mayor Tarr requested that Council go into Closed Meeting under Section 2.1-344 of the Virginia code to discuss possible acquisition of public property and personnel matters; unanimously approved.

Councilman Howard moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Howard to adopt a resolution of certification of the Closed Meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from the open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe

Nays - NONE Absent - NONE

12. Request for Contract Waiver

Mayor Tarr asked Council for a decision on a request for a waiver of contract obligations he received in a letter from Officer Ganley. Officer Ganley had sought to be released from repaying training expenses as provided in the contract.

Councilman Frese moved, seconded by Vice Mayor Conklin to deny the request for the waiver of the contract obligations. Unanimously approved.

13. Adjournment.

Councilman Wolffe moved, seconded by Councilman Howard to adjourn the meeting at 10:10 p.m. Unanimously approved.



MINUTES OF THE NOVEMBER 5, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor

Nancy B. Conklin, Vice Mayor

Leonard R. Jester, Councilman

James T. Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:38 p.m.

2. Invocation.

Councilman Jester offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

Chief Lewis introduced Vibeka Kwasigroch as a new dispatcher.

4. Approval of October 1st and October 18th Council Meeting Minutes.

Councilman Howard made clarifications to Item 8 in the October 18th Council Meeting Minutes. He stated that he felt Mrs. Hamilton should be involved in the selection process, not necessarily make nominations. He also added that the Town was accepting interested candidates and not nominations for the Civic Center Authority.

Councilman Frese requested a change to Item 13 in the October 1st Council Meeting Minutes. He stated there was a typographical error in the second paragraph, first sentence. It should be "may" and not "my".

Vice Mayor Conklin moved, seconded by Councilman Frese to approve the minutes with the noted corrections. Unanimously approved.

5. Council Information Items.

Councilman Howard asked about the status of the letter to VDOT for the dedication plaque. Town Manager West responded this was at the top of his priority list and would be done soon.

Councilman Wolffe asked if a Councilmember could speak at a committee meeting. Mayor Tarr stated he would look into this matter.

6. Committee Reports.

• Town Manager West reported on the Bicycling Advisory Committee. The Committee would like to reapply for the trail grant fund for a trail along Hallie Whealton Smith Drive. They will also recreate the brochure and map for distribution in the Spring. They have formed a Signage Sub-Committee that is reviewing the placement and types of signs throughout the island. The Committee has also decided to look into developing a bicycle safety video to be placed on Channel 9. Town Manager West also informed Council that the Bicycle Committee has discussed other recreational aspects such as rollerblading and skateboarding and a rest stop or picnic area on Hallie Whealton Smith Drive.

Councilman Howard stated that there is a demand for skateboarding. He feels it is worth pursuing. Town Manager West interjected that Council was asked if there would be a place provided for skateboarding and rollerblading. He stated that during the Bike Committee meeting he was asked where the Town was on this matter. He also stated that one use planned for the Hallie Whealton Smith Drive path was to accommodate skateboarding and rollerblading. The Town did not receive the grant monies for this project stopping the planning process.

Town Manager West asked if the Bicycling Advisory Committee should pertain to bicycling only or could it expand to outdoor recreation. Councilman Frese stated that it would not interfere with the Recreation and Convention Center Authority as they concentrate on the Center's functions and events. Vice Mayor Conklin added that with such an enthusiastic committee she feels the Committee could include outdoor recreation in their planning.

Mayor Tarr agreed the Bicycling Advisory Committee could explore outdoor recreation. They would refer formal projects to the Public Works Committee and the Budget Committee for possible funding.

- Town Manager West reported on the Chincoteague-Assateague Transportation and Access Committee. They would like to apply for a demonstration grant for a trolley. The Committee is not planning a shuttle service to Assateague. However, they feel a trolley service would appeal to the tourism.
- Councilwoman Richardson reported on the Deer Task Force, which met October 25, 2001. There was discussion about killing bucks but there are many regulations that hunters would be forced to follow. The Task Force decided to continue with the hunting under the current program. She announced that the next meeting is scheduled for November 29, 2001 at 7:00 p.m.
- Councilman Frese announced the next meeting of the Chincoteague Recreational and Civic Center Authority will be Tuesday, November 6, 2001 at 3:00 p.m.
- Vice Mayor Conklin reported on the Budget and Personnel Committee. She stated they are still discussing health care. They also discussed boat ramp fees. Vice Mayor Conklin explained to Council the problems with the co-op program. Town staff is having problems listing job duties that would be sufficient for the program. Town Manager West suggested hiring a student to do computer drafting. He has talked with Mrs. Witt at the High School, and she will be looking for a qualified student for this type of task or referring the request to others. Vice Mayor Conklin also added that the Committee is trying to establish a panel of physicians in accordance with Worker Compensation regulations.
- Councilman Jester stated the next Planning Commission meeting will be a public hearing on the Camping Units, Section 2.31.
- Councilman Jester reported on the Public Works Committee. He stated the spider machine for ditch digging has been here and will return upon repairs. Chicken City Road drainage project is progressing. There have been several requests for signs on private roads. The Committee decided to place the "Slow Children at Play" signs upon request as opposed to Stop signs. Councilman Jester also reported that there was discussion about the security of the Town's water system.

Councilman Wolffe asked if the Planning Commission reviewed the need for Section 2.31 in addition to establishing a public hearing. He would like to give equal opportunity to all citizens throughout the year as opposed to only during Pony Penning week. Councilman Wolffe stated that he understands that the proposed addition is to clarify the regulations for the Building and Zoning Administrator, but felt the regulation itself needed to be considered.

• Councilman Howard reported on the Cemetery Committee. He announced the next meeting scheduled for November 27, 2001. They plan to clear the Whealton Cemetery near the High School in November. He explained the historical value of this cemetery. Councilman Howard requested use of a Town's dump truck for

hauling debris. He also recognized the Public Works Department for their efforts in cleaning the Bunting Cemetery on their own time.

7. Award of Demolition Work.

Mayor Tarr informed Council that Building and Zoning Administrator Lewis has notified the family of Ida Parks about the demolition of the house on Anderton Avenue and the cost involved.

There was discussion of the outstanding taxes due both from the Town and County. Town Manager West informed Council that payment of a lien through an auction sale would be based on the first filer. There was also discussion of the necessity for demolition.

Councilman Wolffe moved, seconded by Vice Mayor Conklin to award the demolition project to the lowest bidder for the Parks house on Anderton Avenue. Voting For: Conklin, Howard, Jester, Frese, Wolffe. Abstaining: Richardson.

8. Appointment to Chincoteague Recreation and Convention Center Authority.

Mayor Tarr explained that the vacancy left by Mr. Kelly Conklin on the Chincoteague Recreation and Convention Center Authority, was advertised. All interested candidates were asked to contact the Town. Those who expressed interest were Mr. Charles D. Kalmykow, Mr. William McComb, Sr., Mr. Bill Ashley, Mr. Jack VanDame, and Mrs. Carol Anderson. The Chincoteague Recreation and Convention Center Authority had asked Council to consider Mr. William McComb, Sr. for the appointment. Mayor Tarr requested nominations from Council.

Councilman Frese nominated Mr. William McComb, Sr. Vice Mayor Conklin nominated Mr. Jack VanDame. Councilman Wolffe nominated Mr. Charles Kalmykow.

Upon being asked by Mayor Tarr to cast votes for the 1st nominee; Frese, Richardson, Jester, and Howard voted in favor of Mr. McComb. Having received a clear majority for the 1st nominee, Council selected Mr. McComb for the appointment without proceeding to the other nominations.

9. Purchase of Police Car.

Chief Eddie Lewis explained that a new police car has been purchased annually with the oldest of the fleet being rotated out of service and auctioned. This year the budget includes \$24,500 for the purchase of a new patrol vehicle. The state contract provided two options for the police packages, a Ford at \$20,600 and a Chevrolet at \$19,859.

Vice Mayor Conklin moved, seconded by Councilman Howard to purchase a Chevrolet patrol vehicle at \$19,859. Unanimously approved.

10. Other Matters.

• Town Manager West informed Council that Shore Bank has applied for a building permit to install a temporary structure on the parcel of the bank while construction is underway. Services will be provided from the temporary structure while the existing building is completely remodeled and an addition is constructed. They cannot use their existing septic system during construction since it will be relocated and modified. They propose to furnish a tank under the structure, which will be used to store sewage. Once full, the tank will be pumped and the sewage transported.

In the past Council has denied the use of all pump and haul sewage permits (with the exception of the Island Library), thereby rendering staff reluctant to issue the building permit. However, in all such cases, the pump and haul permit was being proposed in lieu of a legitimate septic system. In the case of Shore Bank, they wish to pump and haul until such time (estimated at 6 months) as their building is completed and they are reconnected to their septic system.

Councilman Wolffe stated that this appears to be a temporary solution. He asked Town Manager West if there are any problems with allowing this. Town Manager West responded that there are no problems. Council concurred.

- Chief Lewis announced the Halloween Teen Dance the Police Department sponsored was a huge success. They made over \$1,000 for the needy at Christmas.
- Town Manager West announced a meeting on Wednesday, November 7, 2001 at 2:00 p.m. with VDOT. They would like to go over the draft of the 2020 plan.
- Town Manager West also announced a meeting on Tuesday, November 6, 2001 at 1:00 p.m. for the Stakeholders of the Wallops Workforce Study.
- Mayor Tarr displayed an award from "Keep Virginia Beautiful". This award is to recognize towns that have shown much progress and congratulates the Mayors, Town Councils and individuals for their cooperation for the Small Communities Programs. Vice Mayor Conklin thanked all those who volunteer to keep the streets clean.

11. Next Meeting.

Mayor Tarr announced the Recessed Meeting scheduled for November 15, 2001 has been cancelled. The Council will have the Regular Meeting on December 3, 2001 at 7:00 p.m.

12. Closed Meeting in Accordance with Sec. 2.1-344 of the Code of Virginia to Discuss Possible Acquisition of Public Property.

Councilman Jester moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss possible acquisition of public property; unanimously approved.

Councilman Frese moved, seconded by Councilman Howard to reconvene in Regular Session; unanimously approved.

Councilman Frese moved, seconded by Vice Mayor Conklin to adopt a resolution of certification of the Closed Meeting; unanimously approved.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from the open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe.

Nays - NONE Absent - NONE

13. Christmas Parade.

There was discussion about the Chincoteague Christmas Parade, Council decided to walk through the parade this year.

14. Adjournment.

Councilman Howard moved,	seconded b	y Councilman	Wolffe to	adjourn	the 1	meeting.
Unanimously approved.				-		

Mayor	Town Manager

MINUTES OF THE DECEMBER 3, 2001 CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Vice Mayor
Leonard R. Jester, Councilman
James T. Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
Glenn B. Wolffe, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 7:40 p.m.

2. Invocation.

Councilman Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Approval of November 5th Council Meeting Minutes.

Councilman Wolffe moved, seconded by Councilman Frese to approve the minutes. Unanimously approved

5. Council Information Items.

Councilman Howard asked for the status of the Recodification of the Zoning Ordinance and Town Code. Town Manager West responded that a conference call between staff and the Town's attorney, Mr. Poulson is scheduled to take place soon. The conference should finalize the new code after which a public hearing can be held.

Councilman Wolffe asked about the permit for the well. Public Works Director Jeffries stated the Department of Environmental Quality gave permission to drill the well and conduct a pump test. The Town needs to decide whether to go with the PSA or the well. He also explained the PSA will allow the Town to increase its withdraw capacity, no longer needing the well. However, if the Town decides on the well, the PSA is not needed. Public Works Director Jeffries also explained that if the Town is not approved for the PSA, the application process does not restart for the well.

Councilman Wolffe asked what jurisdiction the Department of Environmental Quality has over the wells or PSA. Town Manager West responded that the Department of Environmental Quality regulates groundwater withdraws. Councilman Wolffe suggested that Council request something in writing stating that we do not have to restart the process.

According to Town Attorney Poulson, the Town could dig the well without a permit. The well would remain dormant until the permit was submitted and approved. However, if a PSA is in place there will be no approval for a well.

Mayor Tarr stated that because legal advice is being sought this matter is to be discussed during closed session with the Town Attorney. Mayor Tarr also announced the Accomack County Board of Supervisors will hold the monthly meeting in the Council Chambers on December 19th, 2001 at 4:00 p.m.

6. Committee Reports.

- Town Manager West stated there was no meeting of the Bicycling Advisory Committee or the Transportation Committee during the month of November. However, he has received a quote of \$1,500.00 for the proposed video of Bicycling Safety. He also reminded Council of the expenditures of \$1,800.00 for the bicycling brochures in the past. Mayor Tarr referred this matter to the Budget and Personnel Committee for review. Should the Committee feel the expenditure is appropriate, it could be recommended to Council for approval in a later meeting.
- Councilwoman Richardson reported that the Deer Task Force met November 29, 2001. There has been one hunter with no reported kills. They discussed a plan to work with the game warden. She asked for public input at the next meeting. The deer situation is bad, and without assistance it will not get any better.
- Councilman Frese reported that the Ordinance Committee has a project that needs addressing.
- Councilman Frese also reported that the Recreation and Convention Center Authority is working on a plan. He announced that Crystal Gail will be at the Center on December 21, 2001.
- Vice Mayor Conklin stated that at the Budget and Personnel Committee meeting merit increases for the employees were discussed. The employee Christmas bonus was approved to be the same amount as last year. They are still discussing benefit costs and that Town Manager West is researching the best possible coverage for the least amount.
- Councilman Jester reported on the Public Works Committee. They suggested to upgrade the water mains on Church Street to Fowling Gut to Ridge Road prior to resurfacing in the Spring. They are reviewing six proposals for capital improvements. They discussed the PSA with Wallops Island. He added the Public Works Committee made recommendations to the Harbor Committee.
- Councilman Jester also reported that the Planning Commission held a public hearing on the trailer matter. They will be discussing this matter further on

January 29th, 2002. He also stated that the subdivision ordinance was discussed. Councilman Wolffe asked Councilman Jester about a business owner filling-in on Maddox Boulevard. Public Works Director Jeffries responded that according to Mr. Tracey, of the Army Corps of Engineers, it would be difficult to build anything more on this property. The owner is putting fill in the state right-of-way. The owner's plan is to develop a swale for drainage. The owner agreed to help with the costs to put in a culvert for drainage. Town Attorney Poulson stated that any time a right-of-way is used there should be a land use permit authorizing the use of the right-of-way. There was further discussion about this matter.

• Councilman Howard reported that the Cemetery Committee is planning to clean the Whealton Cemetery, Tuesday, December 4, 2001. He requested one of the Town trucks for disposal of debris. He announced the next meeting will be January 22, 2002.

7. Resolution of Respect.

Mayor Tarr read the Resolution of Respect on behalf of Mr. Harvey McGee.

A RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL

- WHEREAS, Harvey McGee served Chincoteague well for many years in many capacities; and
- **WHEREAS,** he served faithfully as a member of Town Council and played a vital role in the development of the community; and
- **WHEREAS,** his exemplary conduct and sense of fairness furthered the cause of better understanding and was an influence for good in the growth and progress of our community;
- NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of Brother Harvey McGee, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed inestimable service to the people of the Town of Chincoteague by his work with the Council; and
- **BE IT FURTHER RESOLVED,** that this Resolution be spread upon the minutes of this meeting and copy published in the Chincoteague Beacon.
- **IN TESTIMONY WHEREOF,** the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, the 3rd day of December 2001.

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Councilman Howard moved, seconded by Councilman Jester to approve the Resolution of Respect. Unanimously approved.

8. Town Disaster Relief Fund.

Mayor Tarr announced the Town's Relief Fund reached \$5,700. Town Manager West stated Mrs. Hipple has researched places the fund is most needed. Members of the Chincoteague High School Junior Beta Club, Varsity Cheerleaders, and Future Homemakers of America made a contribution in the amount of \$538.45. The total donation is \$6,238.45 from the Town's Relief Fund. Town Manager West read the letter to be sent with the donation.

9. Public Participation.

Mayor Tarr invited public participation, there was none.

10. Main Street Revitalization Project: Consider Loan Pool/Façade Programs & Consider New Grant Applications.

Mrs. Kat Edwards explained that as a part of the Main Street Revitalization project, a business assistance program has been proposed to the Department of Housing and Community Development. The program would involve providing façade improvement assistance and low cost loans. Mrs. Edwards stated that if the money is used and additional grant funds are used there may be an opportunity to transfer more money. This is not \$50,000 of the grant money it is an additional amount.

Councilman Wolffe asked how long the Town had to loan this money. Mrs. Edwards responded that it should be loaned within a 2 to 3 year period. Councilman Howard added that the application was for \$100,000 and the Town received \$50,000. Mrs. Edwards stated both local banks agreed to set aside funds at the best rate possible for the individual borrower. An incentive is the possibility of tax abatement for those businesses that make improvements, which could not exceed 5 years. They would pay taxes at a pre-approved rate for the additional 5 years, and taxes would go up 20% per year. They would like to encourage Accomack County to do the same as a larger incentive. Councilman Wolffe and Mrs. Edwards clarified that this is only for those businesses in the downtown area.

Councilman Howard asked about building permit fees. Mrs. Edwards suggested the possibility of waving the permit fees. Councilman Wolffe expressed his concerns that all businesses would not be treated equally. Councilman Frese would like to see the tax relief to all who qualify not just the downtown businesses. Councilman Howard suggested that a separate plan could be formed to give people in other parts of the community to improve on their buildings or property.

Mrs. Edwards added that the downtown district qualifiers will be restricted by the guidelines that the Town adopts. Mayor Tarr added other downtown businesses will be receiving technical assistance for the façade program. He restated his concerns to treat all businesses throughout the town the same. Councilman Frese explained the tax break. Councilman Howard feels it will stimulate economic growth causing the town to benefit. Mayor Tarr feels it is more involved than just approving a tax break. Councilman Howard stated that Council could accept this and inform the public that Council is willing to work on it.

Town Attorney Poulson has reviewed the abatement and feels it should be very specific.

Councilman Wolffe moved, seconded by Councilman Frese to implement the plan as presented. Unanimously approved.

Town Manager West explained that in conjunction with the revitalization effort, it is requested that Council approve the application for grant funds from the Department of Conservation and Recreation and from the Department of Transportation. The DCR application will target the Outdoors Fund and the VDOT application will focus on TEA-21 funds.

Councilman Jester moved, seconded by Vice Mayor Conklin to apply for more grant funds. Unanimously approved.

Mrs. Edwards and Town Manager West will approach Accomack County to request the same tax abatement agreement.

Town Attorney Poulson asked about the wording of the abatement. Town Manager West will get together with Town Attorney Poulson to work out the specifics.

11. Christmas Decoration Program.

Vice Mayor Conklin has volunteered to be the chairperson on this committee again this year. Last year's awards were savings bonds in the amount of \$100.00 for the grand prize and \$50.00 for 6 runners up. Council agreed to keep the awards the same.

12. Appointments to Boards & Commissions.

Mayor Tarr informed Council of the members whose terms expire:

Planning Commission:

Mollie Cherrix Gladys Baczek Mike Tolbert

Building Code Board of Appeals:

Robert Cherrix

Mayor Tarr stated each of the listed members are interested in reappointment. Town Attorney Poulson will send a letter to the court requesting reappointment for Mr. Bob Cherrix to the Board of Zoning Appeals.

Mayor Tarr asked for nominations for the expired terms of the members on the: Planning Commission:

Mrs. Mollie Cherrix: Vice Mayor Conklin nominated Mrs. Cherrix. All were in favor. Mrs. Gladys Baczek: Councilman Howard nominated Mrs. Baczek. All were in favor. Mr. Mike Tolbert: Councilman Wolffe nominated Mr. Tolbert. All were in favor.

13. Consider Compensatory Time Policy.

Chief of Police Lewis explained that the officers could take time off instead of paying them overtime. Mayor Tarr also added this is a change to the Employee Handbook therefore needing a motion. Councilman Howard moved, seconded by Councilman Wolffe to approve the change to add 506, Compensatory Time as presented:

506 COMPENSATORY TIME

Compensatory time is available in lieu of overtime to Police Department personnel only. All compensatory time will be subject to review and approval of the Chief of Police.

Hours worked in excess of 86 hours per pay period may be credited as compensatory time and credited at the rate of 1.5 hours earned per hour worked. Officers may accumulate up to 10 hours of compensatory time per pay period. Compensatory time must be used in the same pay period in which it is accumulated. All compensatory time accumulations and transactions must be documented.

Unanimously approved.

14. Consider Storage Tank Application.

Town Manager West explained that Mr. Tom Derrickson on behalf of the Hampton Inn and Suites has applied for two (2) 1,000 gallons storage tanks. Councilman Wolffe

moved, seconded by Councilman Frese to approve the request for (2) 1,000 gallons storage tanks. Unanimously approved.

15. Other Matters.

- Chief Lewis, Public Works Director Jeffries, and Town Manager West thanked Mayor Tarr and the Council for the Christmas bonuses on behalf of the entire town staff.
- Town Manager West received a draft drainage ordinance of which he copied and passed out to Council.
- Councilman Howard complimented Building and Zoning Administrator Lewis on such an outstanding job.
- Mayor Tarr stated that he and Councilwoman Richardson attended the Chincoteague Elementary Parent Teacher Association meeting and was presented with an award of appreciation for dedication and support to the elementary school. Mayor Tarr explained that this was for a project that Councilwoman Richardson saw to the end for a new faculty and staff parking lot.

16. Next Meeting.

Mayor Tarr announced the next meeting would be January 7, 2002 at 7:30 p.m.

17. Closed Meeting in Accordance with Section. 2.1-344 of the Code of Virginia to Discuss Possible Acquisition of Public Property and Discuss Legalities of a PSA.

Councilman Howard moved, seconded by Councilman Frese to go into Closed Meeting under Section 2.1-344 of the Virginia Code to discuss possible acquisition of public property and discuss legalities of a PSA; unanimously approved.

Councilman Wolffe moved, seconded by Councilman Frese to reconvene in Regular Session; unanimously approved.

18. Certification of Closed Meeting.

Councilman Jester moved, seconded by Councilman Wolffe to adopt a resolution of certification of the Closed Meeting; unanimously approved.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344 of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from the open meeting requirements by Virginia law are discussed in the closed meeting in which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town Council.

VOTE: Ayes - Conklin, Frese, Howard, Jester, Richardson, and Wolffe.

Nays - NONE Absent - NONE

19. Public Service Authority (PSA).

Councilman Wolffe moved that a memorandum of understanding be written by Town Attorney Poulson describing the intent of the Town to pursue a PSA and tie in with NASA, Goddard Space Flight Center, Wallops Flight Facility's water system. The motion was seconded by Councilman Frese. Unanimously approved.

20. Adjournment.

Councilman Howard moved, seconded by C	Councilman Wolffe to adjourn the meeting at
10:00 p.m. Unanimously approved.	
John H. Tarr, Mayor	James M. West, Town Manager